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सं. 43] नई दिल्ली, अक्टूबर 19—अक्टूबर 25, 2008, शनिवार/आश्विन 27—कार्तिक 3, 1930
No. 43] NEW DELHI, OCTOBER 19—OCTOBER 25, 2008, SATURDAY/ASVINA 27—KARTIKA 3, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृष्ठक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड ३—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (राष्ट्रीय मंत्रालय को छोड़कर) हारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ

**Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)**

कार्यिक, लोक शिक्षायत तथा पेंशन पंचालय

२० जिंदा १६ अक्टूबर २०२१

कर.आ. 2936,-केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के सम्बन्ध मध्यित धारा 5 की वज्र धारा (1) द्वारा प्रदृश राजिकाओं का प्रयोग करते हुए, उत्तर प्रदेश सरकार, गृह (पुलिस) छंड 2 की अधिसूचना सं. 3762/6-ईओयू-11-7-797 पम/2007 दिनांक 8-9-2008 द्वारा प्राप्त सहमति से भारतीय दण्ड संहिता 1860 (1860 का अधिनियम संख्या 45) की धारा 429 और वन्य जीव संरक्षण अधिनियम, 1972 की धारा 51 (1972 के अधिनियम सं. 53) (धारा 9, 39, 44, 44-ए, 48-ए, 49-बी के उल्लंघन के लिए), भारतीय चम अधिनियम, 1927 की धारा 26 (1927 के अधिनियम सं. 16), उत्तर प्रदेश गैंगस्टर्स एंड एंटी सोशल एक्टिविटिज् (प्रिवेशन) अधिनियम की धारा 3(1), 1986 (1986 के उत्तर प्रदेश अधिनियम सं. 7) के अधीन कारोबारी पुलिस स्टेशन, इलाहाबाद, उत्तर प्रदेश में दर्ज अपराध सं. 230/07 और उपर्युक्त अपराधों से संबंधित अधिकारी संस्कृत प्रयत्नों, दुष्योगों और बड़यों वाला उसी संव्यवहार के अनुकूल में अथवा उन्हीं तर्जों से उद्भूत किसी अन्य अपराध अधिकारी अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों

की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण उत्तर प्रदेश गन्ध पर करती है।

(सं २२८/७०/२००८-एकीढी-११)
मनीषा सरसेना, डॉ प्रभाव

**MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS**

New Delhi, the 16th October 2010

S.O. 2936.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 23 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh, Home (Police) Section-wide notification No. 3762/6-Pu-II-7-797M/2007 dated 8-9-2008, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of Case Crime No. 230/07 under Section 51 of the Wild Life Protection Act, 1972 (Act No. 53 of 1972) (for contravention of sections 9, 39, 44, 44-A, 48-A, 49-B), section 26 of the Indian Forest Act, 1927 (Act No. 16 of 1927), section 3(1) of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 (Uttar Pradesh Act No. 7 of 1986).

and section 429 of the Indian Penal Code, 1860 (Act No. 45 of 1860) registered at Kareli Police Station, Allahabad (U.P.) and any other offence or offences, attempts, abettments and conspiracy in relation to or in connection with above-mentioned offences and any other offence/offences committed in the course of same transaction arising out of the same facts.

[No. 228/70/2008-AV/III
MANISHA SAXENA, Dy. Secy]

नई दिल्ली, 16 अक्टूबर, 2008

का.आ. 2937.—कंक्रीय सक्कार एवं हावा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 15) को धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय वा अधिनियम, 1927 (1927 का अधिनियम संख्या 16) के अधीन निम्नलिखित अपराधों को दिल्ली विशेष पुलिस स्थापना द्वारा अवश्य किए जाने वाले आपाधों के रूप में विनियोग करती है :—

- (क) भारतीय वा अधिनियम, 1927 (1927 का अधिनियम सं. 16) के अधीन दृढ़नीय अपराध और
- (ख) उपर्युक्त अपाध से संबंधित अथवा संसक्त प्रयोग, दुष्करणों और घटनों गत्था उसी संब्बंधित के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किये अन्य अपराध अथवा अपराध तथा अवश्यकता के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों द्वारा वाक्तव्य और अधिकारिता का विभाग सम्पूर्ण हासिल करने का अन्तर्गत है।

[सं. 228/70/2008-एवीडी-III]
मनीषा सक्सेना, उप निवायी

New Delhi, the 16th October, 2008

S.O. 2937.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences under the Indian Forest Act, 1927 (Act No. 16 of 1927) as the offences which are to be investigated by the Delhi Special Police Establishment name

- (a) Offences punishable under The Indian Forest Act, 1927 (Act No. 16 of 1927) and
- (b) Attempts, abettments and conspiracies in relation to or in connection with any of the offences mentioned in section 5 of any other offence or offences committed in the course of same transaction as aforesaid.

[No. 228/70/2008-AV/III
MANISHA SAXENA, Dy. Secy]

नई दिल्ली, 16 अक्टूबर, 2008

का.आ. 2938.—कंक्रीय सक्कार एवं हावा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 15) को धारा 6 के साथ विधि धारा 5 की व्यापार (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हावा एवं सक्कार के गृह विभाग की

अधिसूचना सं. 20-10-2008-3 HG-I दिनांक 14-8-2008 द्वारा प्राप्त सहभाग से प्रथम सूची प्रयोग संख्या 15। दिनांक 5-5-2008 अंतर्गत धारा 302/397/34 वा. ८३, सक्षिता (1860 का अधिनियम सं. 45), धारा 25/54/59 शास्र वा. १-प्रथम, 1959 (1959 का अधिनियम सं. 54) पुलिस स्टेशन सेक्टर २ फरीदाबाद तथा उपर्युक्त अपराध से संबंधित अथवा संसक्त प्रयोग, दुष्करणों और घटनों तथा उसे संबंधित अपराध संसक्त प्रयोग तथा उसे संबंधित अपराध के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किये अन्य अपराध अथवा अपराध तथा अन्य कारण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों द्वारा वाक्तव्य और अधिकारिता का विभाग सम्पूर्ण हासिल करने का अन्तर्गत है।

[सं. 228/79/2008-एवीडी-III]
मनीषा सक्सेना, उप सचिव

New Delhi, the 16th October, 2008

S.O. 2938.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Haryana, Home Department vide Notification No. 20-10-2008-3 HG-I dated 14th August, 2008 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Haryana for investigation of FIR No. 151 dated 5th May, 2008 under sections 302, 397 and 34 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and section 25 of the Arms Act, 1959 (Act No. 54 of 1959), registered at Police Station Sector-7, Faridabad and attempts, abettments and conspiracies in relation to or in connection with offence mentioned above and any other offence or offences committed in the course of same transaction arising out of the same facts.

[No. 228/79/2008-AV/II]
MANISHA SAXENA, Dy. Secy.

विशेष प्रबंधन

(विशेष सेवाएं विभाग)

नई दिल्ली, 20 अक्टूबर, 2008

का.आ. 2939.—कंक्रीय सेवाएं विभाग द्वारा उपर्युक्त धारा 6 का धारा 6 वा. ८३, सक्षिता (1860 का अधिनियम संख्या 15) द्वारा प्रदत्त शक्तियों के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किये गए अपराध अथवा अपराध तथा अन्य कारण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों द्वारा उनके अन्य कारण द्वारा वाक्तव्य और अधिकारिता का विभाग सम्पूर्ण हासिल करने का अन्तर्गत है।

[वा. ८३(१), २००४-आईएफ-III]
मनीषा सक्सेना, उप सचिव

MINISTRY OF FINANCE
(Department of Financial Services)
 New Delhi, the 20th October, 2008

S.O. 2939.—In exercise of the powers conferred by sub-section (2) of Section 4 read with sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985, the Central Government hereby appoints Shri Nirmal Singh, IAS (TN-70) (Reid.), as Member, Board for Industrial and Financial Reconstruction (BIFR) for three years, with effect from the date of assumption of the charge of the post on or after 31-10-2008 or till he attains the age of 65 years or till the abolition of BIFR or until further orders, whichever event occurs the earliest.

[No. 20/1/2004-IF-II]
 J.S. PHAUGAT, Under Secy.

विदेश मंत्रालय
 (सी.पी.ओ. प्रभाग)

नई दिल्ली, 10 अक्टूबर, 2008

का.आ. 2940.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वाँ) की धारा 2 के खंड (क) के अनुसार में केंद्रीय सरकार एवं द्वारा भारत का उज्जटोवास, ओस्लो में श्री अशोक कुमार, सहायक को 10-10-2008 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/1/2006]

प्रीतम लाल, अवर सचिव (कौंसलर)

MINISTRY OF EXTERNAL AFFAIRS
 ' (C. P. V. Division)

New Delhi, the 10th October, 2008

S.O. 2940.—In pursuance of the clause (ii) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948, (41 of 1948) the Central Government hereby authorize Shri Ashok Kumar, Assistant to perform the duties of Assistant Consular Officer in the Embassy of India, Oslo.

[No. T-4330/1/2006]
 PRITAM LAL, Under Secy. (Consular)

सूचना और प्रसारण मंत्रालय
 नई दिल्ली, 6 अक्टूबर, 2008

का.आ. 2941.—इस मंत्रालय की दिनांक 6 अगस्त, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रभाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, श्री पी. बी. एस. नारेश्वर राव, मार्फत एन श्रीरामलु प्लॉट सं. 97, सेल्फ फाइनेंस, वनस्थलीपुरम, हैदराबाद-500 070 को केंद्रीय फिल्म प्रभाणन बोर्ड के हैदराबाद सलाहकार पैनल के रूप में नियुक्त करती है।

श्री अतुल खड़ेराव कुलकर्णी, 302, 'E' विंग, तुलसी आरकेड, कनॉट प्लॉट, सी आई डी सी ओ, औरंगाबाद को केंद्रीय फिल्म प्रभाणन बोर्ड के मुख्य सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है।

[फा सं. 809/4/2007-एफ (सी)]
 संगीता सिंह, निदेशक (फिल्म)

**MINISTRY OF INFORMATION AND
 BROADCASTING**

New Delhi, the 6th October, 2008

S.O. 2941.—In continuation of this Ministry's Notification of even number dated 6-8-2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Shri Atul Khanderao Kulkarni, 302, 'E' Wing, Tulsi Arcade, Connaught Place, CIDCO, Aurangabad as member of the Mumbai advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/4/2007-F(C)]
 SANGEETA SINGH, Director (Films)

नई दिल्ली, 6 अक्टूबर, 2008

का.आ. 2942.—इस मंत्रालय की दिनांक 31 मई, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रभाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, श्री पी. बी. एस. नारेश्वर राव, मार्फत एन श्रीरामलु प्लॉट सं. 97, सेल्फ फाइनेंस, वनस्थलीपुरम, हैदराबाद-500 070 को केंद्रीय फिल्म प्रभाणन बोर्ड के हैदराबाद सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है।

[फा सं. 809/1/2007-एफ (सी)]
 संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 6th October, 2008

S.O. 2942.—In continuation of this Ministry's Notification of even number dated 31-5-2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Shri P.V.S. Nageshwar Rao, C/o N. Sriramulu, Plot No. 97, Self Finance, Vanasthalipuram, Hyderabad-500 070 as member of the Hyderabad advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/1/2007-F(C)]
 SANGEETA SINGH, Director (Films)

नई दिल्ली, 13 अक्टूबर, 2008

का.आ. 2943.—इस मंत्रालय की दिनांक 8 जनवरी, 2007 को सप्तर्षीयक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाण) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) को धारा 5 की उपभारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, श्री विनय कुमार श्रीवास्तव, राम नगर रोड, हजारी बाग, झारखंड, जिला और ढाकखाना हजारी बाग को केंद्रीय फिल्म प्रमाणन बोर्ड के कोलकाता फ्लाइटर पैनल के सदस्य के रूप में नियुक्त करती है।

[फा. सं. 809/1/2006-एफ (सी)]
संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 13th October, 2008

S.O. 2943.—In continuation of this Ministry's Notification of even number dated 8-1-2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Shri Binay Kumar Srivastava, Ram Nagar Road, Hazari Bagh, Jharkhand, Dist. & PO Hazari Bagh as a member of the Kolkata advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/1/2006-F(C)]
SANGEETA SINGH, Director (Films)

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 22 अक्टूबर, 2008

का.आ. 2944.—राष्ट्रपति, सर्विधान के अनुच्छेद 309 के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, रेल सेवा (पेंशन) नियम, 1993 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ :— (1) इन नियमों का संक्षिप्त नाम रेल सेवा (पेंशन) (संशोधन) हिन्दूयम, 2008 है।

(2) ये राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. नियम 75 का संशोधन —रेल सेवा (पेंशन) नियम, 1993 के नियम 75 में, -

(1) उप-नियम (6) के परंतुक में,—

(i) शर्त (ख) में, "प्रधारीय चिकित्सा अधिकारी से अन्यून रैक के चिकित्सा अधिकारी" शब्दों के स्थान पर "चिकित्सा बोर्ड" शब्द रखे जाएंगे;

(ii) शर्त (ग) में, "हर तीन वर्ष पर प्रधारीय चिकित्सा

अधिकारी से अन्यून रैक के चिकित्सा अधिकारी का इस आशय का एक प्रमाण पत्र पेश करेंगा" शब्दों के स्थान पर "यदि स्थाई रूप से अशक्त है तो केवल एक बार, यदि अस्थायी रूप से अशक्त है तो प्रत्येक पांच वर्ष में एक बार, चिकित्सा बोर्ड द्वारा एक प्रमाण पत्र पेश करेंगा" शब्द रखे जाएंगे;

(2) उप-नियम (15) में, खंड (ii) के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :—

"(iiक) जब कभी उप-नियम (6) के परंतुक में निर्दिष्ट अशक्तता ऐसी हो जिसमें बालक अपनी आजीविका अर्जित करने में असमर्थ हो तो यह तथ्य चिकित्सा बोर्ड के चिकित्सा प्रमाण-पत्र द्वारा सम्यक रूप से समर्थित कार्यालय के प्रधान की जानकारी में लाया जाएगा। चिकित्सा प्रमाण-पत्र प्राप्त होने के पश्चात् कार्यालय का प्रधान प्ररूप 6 में यह उपदर्शित कर सकता कि अशक्तता स्थाई है या अस्थायी। जब कभी कुटुम्ब पेशन का दावा उठता है तब बालक का विधिक सरकार चिकित्सा बोर्ड इस आशय के नए चिकित्सा प्रमाण-पत्र कि बालक अब भी अशक्त है, के साथ आवेदन देगा।";

(3) उप-नियम 15 के पश्चात् निम्नलिखित स्पष्टीकरण अंतःस्थापित किया जाएगा, अर्थात् :—

"स्पष्टीकरण—इस उप-नियम और उप-नियम (6) के प्रयोजनों के लिए, "चिकित्सा बोर्ड" से ऐसा चिकित्सा बोर्ड जिसमें चिकित्सा निरेशक या एक मुख्य चिकित्सा अधीक्षक या किसी क्षेत्रीय अस्पताल या मंडल का भारसाधक या उनका कोई नामनिश्चित व्यक्ति अध्यक्ष होगा और दो अन्य सदस्य, जिनमें से कम से कम एक मानसिक या शारीरिक अशक्तता के विशिष्ट क्षेत्र में विशेषज्ञ होगा।"

(4) प्ररूप 6 का संशोधन :—उक्त नियमों के प्ररूप 6 में, शीर्षक में.....को कुटुम्ब के ज्यादे से संबंधित यद संख्या 6 के नीचे "क्या संतान शारीरिक रूप से विकलांग है," शब्दों के स्थान पर "क्या बालक शारीरिक रूप में या मानसिक रूप से निःशक्त है या संतान यदि असमर्थता से प्रस्त है, तो क्या असमर्थता स्थायी है या अस्थायी" शब्द रखे जाएंगे।

[फा. सं. एफ(ई)III/2008-पीएन 1/10]
पैथ्यु जान, सचिव, रेलवे बोर्ड

टिप्पणी :—रेल सेवा (पेंशन) नियम, 1993 भारत सरकार के अधीन राजपत्र में तारीख 3 दिसम्बर, 1993 को अधिसूचना संख्या का.आ. 930 द्वारा प्रकाशित किए गए थे और तत्पश्चात् निम्नलिखित द्वारा संशोधित किया गया :—

क्र. संख्या सं.	लिखित	भारत के उच्चपत्र II, खंड 3, ठप-खंड (ii) में प्रकाशित कानूनी प्रकाशन को लाइसेंस		
1	2	3	4	5
1. एफ(ई)II/94/पीएन 1/31 (संशोधन)	3-2-1995	511	25-2-1995	
2. ई(जी) 94 ईम 1-6	31-3-1995	1026	15-4-1995	
3. एफ(ई)II/99/पीएन 1/38 (दर्जनीय)	23-5-2000	1554	15-7-2000	
4. एफ(ई)II/97/पीएन 1/4 (संशोधन)	24-5-2000	1553	15-7-2000	
5. एफ(ई)II/2000/पीएन 1/23	18-10-2001	1081	30-3-2002	
6. ई(जी)2002 ईम 1/1	23-8-2002	1214(अ)	4-11-2004	
7. एफ(ई)II/2003/पीएन 1/38 (संशोधन)	31-12-2003	1488(अ)	30-12-2003	
8. एफ(ई)II/2004/पीएन 1/21 (संशोधन)	7-12-2004	3191	18-12-2004	
9. एफ(ई)II/2003/पीएन 1/25	20-1-2005	399	5-2-2005	
10. एफ(ई)II/2003/पीएन 1/1	10-3-2006	1001	19-3-2005	
11. एफ(ई)II/2003/पीएन 1/1	30-3-2006	1306	8-4-2006	
12. ई(जी)2007/पीएन 1/1	19-9-2007	3005	13-10-2007	

MINISTRY OF RAILWAYS
(Railway Board)

New Delhi, the 22nd October, 2008

S.O. 2944.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Railway Services (Pension) Rules, 1993, namely :—

1. Short Title and Commencement.—(1) These rules may be called the Railway Services (Pension) (Amendment) Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Amendment of rule 75.—In the Railway Services (Pension) Rules, 1993, in rule 75,—

(I) in sub-rule 6, in the proviso,—

(i) in condition (b), for the words "a medical officer not below the rank of a Divisional Medical Officer", the words, "Medical Board" shall be substituted;

(ii) in condition (c), for the words "shall produce every three years a certificate from a medical officer not below the rank of Divisional Medical Officer", the words, shall produce, once, if the disability is permanent, and once in every five years, if the disability is temporary, a certificate from a Medical Board" shall be substituted;

(2) in sub-rule 15, after clause (ii), the following clause shall be inserted namely,—

"(ii) A As and when the disability referred to in the proviso to sub-rule (6) manifests itself in a child which

makes him/her unable to earn his/her living, the fact shall be brought to the notice of the Head of Office duly supported by a Medical Certificate from a Medical Board. After receipt of Medical Certificate, the Head of Office may indicate in Form 6 as to whether disability is permanent or temporary. As and when the claim for family pension arises, the legal guardian of the child shall make an application supported by a fresh Medical Certificate from a Medical Board that the child is still suffering from the disability.";

(3) after sub-rule (15), the following explanation shall be inserted, namely :—

"Explanation :—For the purposes of this sub-rule and sub-rule (6), "Medical Board" means a Medical Board consisting of a Medical Director or a Chief Superintendent or Incharge of a Zonal Hospital or Division or his nominee as Chairperson and two other members, one of them at least shall be Specialist in the particular area of mental or physical disability".

4. Amendment to Form :—In form 6 of the said rules, below item number 6 relating to Details of family as on in heading, for the words, "Whether the child is physically handicapped", the words, "Whether the child is physically or mentally handicapped or if the child is suffering from disability, whether it is permanent or temporary" shall be substituted.

[File No. F(E)II/2008/PN 1/10]

MATHEW JOHN, Secy., Railway Board

Note:—The Railway Services (Pension) Rules, 1993 were published in the Gazette of India, Extraordinary, vide, Notification number S.O. 930 dated the 3-12-1993 and subsequently amended as follows :—

S. No.	Notification number	Date	Published in the Gazette of India Part II Section 3 Sub-Section (ii).	
			S.O. No.	Date of Publication
1	2	3	4	5
1. F(E)II/94/PN 1/31 (Amendment)	3-2-1995	511	25-2-1995	
2. E(G)/94/EM 1-6	31-3-1995	1026	15-4-1995	
3. F(E)II/99/PN 1/38 (Modification)	23-5-2000	1554	15-7-2000	
4. F(E)II/97/PN 1/14 (Amendment)	24-5-2000	1553	15-7-2000	
5. F(E)II/2000/PN 1/23	18-10-2001	1081	30-3-2002	
6. E(G)2002/EM 1/1 (Amendment)	23-8-2002	1214(E)	4-11-2004	
7. F(E)II/2003/PN 1/38 (Amendment)	31-12-2003	1488(E)	30-12-2003	
8. F(E)II/2004/PN 1/21 (Amendment)	7-12-2004	3191	18-12-2004	
9. F(E)II/2003/PN 1/25	20-1-2005	399	5-2-2005	
10. F(E)II/2003/PN 1/1	10-3-2006	1001	19-3-2005	
11. F(E)II/2003/PN 1/23	30-3-2006	1306	8-4-2006	
12. E(G)2007/EM 1/1	19-9-2007	3005	13-10-2007	

स्वास्थ्य और परिवार कल्याण बंगालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 15 अक्टूबर, 2008

का.आ. 2945.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की भाग 19 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 25 जून, 2008 की अधिसूचना तथा दिनांक 23 दिसम्बर, 2008 के शुद्धि-पत्र के अधिकमण में केंद्र सरकार भारतीय आयुर्विज्ञान परिषद् से समर्पण करने और संवैधान आयुर्विज्ञान संस्थाओं द्वारा उन्हें दिए गए नोटिसों पर किए गए अध्यावेदनों पर विचार करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एवं दूसरा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त प्रथम अनुसूची में, मणिपाल विश्वविद्यालय (पहले मणिपाल उच्चतर शिक्षा अकादमी में रूप में ज्ञात) (भ्रम विश्वविद्यालय), मणिपाल कर्नाटक के सामने शीर्षक "मान्यताप्राप्त चिकित्सा अहंता" [कालम (2) में] के अन्तर्गत तथा शीर्षक 'पंचीकरण के लिए संक्षेपण' [कालम (3) में] के अन्तर्गत निम्नलिखित रखा जाएगा, अर्थात् :—

(2)	(3)
"बैचलर ऑफ़ मेडिसिन एंड एम.बी.बी.एस.	यह मणिपाल विश्वविद्यालय (पहले मणिपाल उच्चतर शिक्षा अकादमी के रूप में ज्ञात) (भ्रम विश्वविद्यालय), मणिपाल कर्नाटक द्वारा प्रदत्त मान्यताप्राप्त चिकित्सा अहंता होगी यदि वह कस्तुरबा चिकित्सा महाविद्यालय, मणिपाल और कस्तुरबा चिकित्सा महाविद्यालय, मणिपाल, कर्नाटक एवं कर्नाटक प्रवेशक्रम में 200 सीटों की प्रवेश क्षमता के लिए वर्ष 2013 में या उससे पहले प्रदान की गई हो। यह मणिपाल विश्वविद्यालय (पहले मणिपाल उच्चतर शिक्षा अकादमी के रूप में ज्ञात) (भ्रम विश्वविद्यालय), मणिपाल कर्नाटक द्वारा प्रदत्त मान्यताप्राप्त चिकित्सा अहंता होगी यदि वह कस्तुरबा चिकित्सा महाविद्यालय, मणिपाल म (50) सीटों और कस्तुरबा चिकित्सा महाविद्यालय, मणिपाल, कर्नाटक में 100 सीटों की प्रवेश क्षमता के लिए वर्ष 2014 से प्रदान की गई हो। वर्ष 2014 के बाद एम.बी.बी.एस. डिग्रियों की लगातार मान्यता और सीटों का प्रत्यावर्तन एक बार की अवधि के अन्दर सभी प्रकार की कामियों में सुधार लाने के अध्याधीन होगा।
[संलग्न नं. 2012/379/2006-एमई (नीति-II)]	एन. बारिक, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 15th October, 2008

S.O. 2945.—In exercise of the powers conferred by sub-section (4) of the Section 19 of the Indian Medical Council Act, 1956 (102 of 1956) and in supersession of Notification dated 25th June, 2008 and corrigendum dated 23rd September, 2008 the Central Government, after consulting the Medical Council of India and considering the representations made by the concerned medical institutions on the notices served upon them, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule against [Manipal University (Formerly known as Manipal Academy of Higher Education) (Deemed University), Manipal, Karnataka under the heading 'Recongnized Medical Qualification' [in column (2)] and under the heading 'Abbreviation for Registration' [in column (3)], the following shall be inserted, namely :—

Bachelor of Medicine and M.B.B.S.

Bachelor of Surgery

This shall be a recognized medical qualification granted by Manipal University (Formerly known as Manipal Academy of Higher Education) (Deemed University) Manipal, Karnataka when granted in or before the year 2013 for intake capacity of 250 seats each at Kasturba Medical College, Manipal and Kasturba Medical College, Mangalore, Karnataka. This shall be a recognized medical qualification granted by Manipal University (Formerly known as Manipal Academy of Higher Education) (Deemed University) Manipal, Karnataka when granted from the year 2014 for intake capacity of 150 seats at Kasturba Medical College, Manipal and 100 seats at Kasturba Medical College, Mangalore, Karnataka. Continued recognition of MBBS degrees after the year 2014 and restoration of seats will be subject to rectification of all the deficiencies within a period of one year.

No. U. 2012/379/2006-ME(P-II)]

N. BARIK, Under Secy.

पर्यावरण एवं बन मंत्रालय

नई दिल्ली, 3 अक्टूबर, 2008

का.आ. 2946.—सूचना का अधिकार अधिनियम, 2005 की धारा 5 (i)/धारा 19(i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पर्यावरण एवं बन मंत्रालय के निम्नलिखित अधिकारियों को उनके नाम के समने दर्शाएं गए लिंगिंटेस्ट विषय-वस्तु के संदर्भ में केन्द्रीय बन सूचना अधिकारियों/अपोलीष प्राधिकारियों आदि के रूप में नामेदिष्ट किया जाता है :—

1. उपरोक्त अधिनियम की धारा 5 (i) के अंतर्गत केन्द्रीय बन सूचना अधिकारियों के रूप में नामेदिष्ट किए गए उप-बन महानिरीक्षक/निदेशक/उप सचिव/सहायक बन महानिरीक्षक/संयुक्त निदेशक/उप निदेशक स्तर के अधिकारी।

क्र.सं.	पद नाम	दूरभाष सं.	विषय वस्तु
1.	2	3	4
1.	श्रीमती रंजना गुप्ता, उप-बन महानिरीक्षक (एफपी)	दूरभाष सं. 24360549 rajanagupta2001@yahoo.com. इंटरकॉम सं. 520	बन नीति, एन एफ ए पी, बन अन्तर्राष्ट्रीय सहयोग (एफ आई सी) और राष्ट्रीय बन आयोग (एन एफ सी)
2.	श्री अशोक पट्टी, उप-बन महानिरीक्षक (रा.व.पा.वि. बोर्ड)	दूरभाष सं. 24362416 skumar_ifs@yahoo.co.in इंटरकॉम सं. 705	एन ए ई बी, एफ डी एनएम ए पी (12 फ्ल्यू) बनीकरण से संबंधित नीतिगत मामले, 20 सूचीय कार्यक्रम, एप एप्पल ई कम्प्यूनिकेशन एण्ड यूनाइटेड नेशन कन्वेंशन दू. काम्बेट डैज़ेरटिफिकेशन (यू.एन सी सी डी)
3.	श्री ए. के. जौहरी, उप-बन महानिरीक्षक (आर टी)	दूरभाष सं. 24364624 johari60@yahoo.com इंटरकॉम सं. 513	व्यानिकी अनुसंधान और प्रशिक्षण एशिया प्रैसिक फोरेस्ट इनवेजन नेटवर्क (ए पी एफ आई एस एन) इन्टरवेशनल नेटवर्क फार बैम्ब एण्ड रेट्स (आई एन बी ए आर) भारतीय व्यानिकी अनुसंधान और शिक्षा परिषद् (आई सी एफ आर ई) देहरादून, भारतीय बन सर्केजन (एफ एस आई) देहरादून, इन्दिरा गांधी राष्ट्रीय बन अकादमी (आई जी एन एफ ए) देहरादून, बन शिक्षा निदेशालय (डी एफ ई) देहरादून के प्रशासनिक और वित्तीय मामले तथा भारतीय प्लाईनुड उद्योग अनुसंधान और प्रशिक्षण संस्थान (आई पी आई आर टी आई) बंगलौर तथा भारतीय बन प्रबंध संस्थान (आई आई एफ एप) भोपाल के सभी मामले।
4.	श्री अनन्देश कुमार, उप-बन महानिरीक्षक (वन्य जीव)	दूरभाष सं. 24362813 akash@indiatimes.com इंटरकॉम सं. 519	वन्यजीव, वन्यजीव क्षेत्रीय कार्यालय ऐव्हर-थरोहर कन्वेंशन, राष्ट्रीय प्राणीविज्ञान उद्यान, केन्द्रीय चिडियाघर प्राधिकरण, राष्ट्रीय वन्यजीव बोर्ड, अन्तर्राष्ट्रीय संरक्षण संघ, प्रवासी प्रजातियों पर कन्वेंशन, यूनेस्को से संबंधित मामले।
5.	डॉ. दिलीप कुमार, लेखा नियंत्रक	दूरभाष सं. 24361116 drdk0000@yahoo.co.in इंटरकॉम सं. 157	बजट प्रस्तावों की हानिकी-बजट अनुमानों को तैयार करना-योजनागत बजट के संबंध में योजना समन्वय से विवर-विवरण करना-पूरक अनुदान भागों में समाविष्ट करने के लिए प्रस्तावों की संरक्षण। मंत्रालयों की शक्तियों के अंदर और मंत्रालयों की शक्तियों के बाहर, दोनों के संबंध

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6. श्री ए. अंदीश्वरन, सुपरिटेंडेंट इंजीनियर (सोसायू)	दूरभाष सं. 24360588 seccu-mef@nic.in इंटरकॉम सं. 725
7. डॉ. आर हसन, निदेशक (वैज्ञानिक)	दूरभाष सं. 24360734 hasan-mef@nic.in इंटरकॉम सं. 740
8. श्री सतीश के. अग्रवाल, निदेशक	दूरभाष सं. 24365218 satish.ka@nic.in इंटरकॉम सं. 505
9. श्री सुरेन्द्र कुमार, निदेशक	दूरभाष सं. 24361613 kr063@ifs.nic.in इंटरकॉम सं. 116
10. श्री विजय कुमार, निदेशक (सतर्कता)	दूरभाष सं. 24366841 kravij@yahoo.com इंटरकॉम सं. 535
11. श्री चंदन सिंह, निदेशक	दूरभाष सं. 24360659 chandan.singh@nic.in इंटरकॉम सं. 522
12. श्री सतीश के. अग्रवाल, निदेशक (अंतरिक्त प्रभार)	दूरभाष सं. 24368442, 24362206 Satish.ka@nic.in इंटरकॉम सं. 140

यैं, प्रस्तावों की पुनर्विनियोजन प्रक्रिया आरंभ करता। अनुदान मांगे तैयार करना व मुद्रण। प्रारूप/ऑफिट ऐच पर की गई कार्रवाई पर टिप्पण प्रस्तुत करना। सरकारी कर्मचारियों को ऋण के अंतर्गत निधियों की संवेद्धा और आवंटन। बेतन व अन्य भौतिक संवितरण। सहायता-अनुदान का संवितरण। आवधिक व्यय विवरण आदि प्राप्त करना।

सिविल निर्माण एकक को सौंपे मए पर्यावरण एवं बन मंत्रालय और उसके विभागों, अधीनस्थ कार्यालयों और स्वायतशासी संस्थानों के कार्यों की योजना और निष्पादन से संबंधित मामले।

- बन्य जीव अनुसंधान/कन्सलटेन्सीज
- बड़े फ्लू (एचियन इनफ्लूएनज़ा),
- गिरों का संरक्षण
- पुरस्कार और फेलोशिप्स, आदि
- विश्व बैंक और खाद्य कृषि संगठन (एक ए ओ) परियोजनाएं
- बन्यजीव और पशु कल्याण के संरक्षण और प्रबंधन पर थीमेटिक ग्रुप

प्रशासन (पी-I, पी-II, और पी-III) और लोक शिकायत निपटान प्रक्रोष्ण, जलवायु परिवर्तन पर विशेषज्ञ समिति

सी पी डिवीजन,
वाहनीय प्रदूषण

सतर्कता मामले

बन स्थापना (एक ई) पर्यावरण और बन मंत्रालय के कर्मचारियों हेतु शिकायत अधिकारी।

राष्ट्रीय नदी संरक्षण निदेशालय (एन आर सी डी) प्रशासन, आई सी और प्रशिक्षण बोर्ड का समन्वय, वार्षिक योजना, संसदीय मामलों/समितियों का समन्वय, एन आर सी ए की समितियाँ, संसद प्रश्नों सहित एन आर सी पी/जी ए पी का समन्वय कार्य, सामाज्य प्रकृति के मामले जिनमें समन्वय की आवश्यकता है, यमुना कार्य योजना का समन्वय, प्रचार, जन मार्गदारी और मीडिया के कार्य।

1.	2	3	4
13.	श्री बी सिल्का, निदेशक (वैज्ञानिक)	दूरध्वाष सं 24365020 b_silkka@yahoo.com इंटरकॉम सं. 122	(i) उत्तर-प्रदेश, पंजाब, हिमाचल प्रदेश, हरियाणा और राजस्थान के एन आर सी पी कार्य ; (ii) जे आई सी ए अव्ययन का पूर्ण सम्बन्ध; (iii) जम्मू और काश्मीर के राष्ट्रीय झील संरक्षण योजना कार्य ।
14.	श्री योगेश शर्मा, निदेशक (वैज्ञानिक)	दूरध्वाष सं 24366008 yogesh-mef@nic.in इंटरकॉम सं. 141	उत्तराखण्ड, करेल और गोवा से संबंधित एन आर सी ही कार्य और अन्य कार्य जो शहरी विकास अंतरालय, जवाहर लाल नेहरू अंबन टिन्यू मिशन (जे एन यू आर एम) से संबंधित केविनेट नोट्स और टिप्पणियों से संबंधित हैं ।
15.	डॉ. (श्रीमती) आर दलवानी, निदेशक (वैज्ञानिक)	दूरध्वाष सं. 24364789 r_dalwanj@yahoo.com इंटरकॉम सं. 142	- राष्ट्रीय झील संरक्षण योजना सम्बन्ध और जम्मू काश्मीर, उत्तराखण्ड और पश्चिम बंगाल सभी रुन्धों के लिए राष्ट्रीय झील संरक्षण योजना कार्य ; - अनुसंधान और विकास परियोजनाएं ; - सैंकेन्द्रिय और विश्लेषणात्मक युणिवर्सिटी नियंत्रण सहित राष्ट्रीय नदी संरक्षण योजना के अंतर्गत नदियों की जल युणिवर्सिटी मानीदरिंग ; - सोबत शोधन संघर्षों की कार्य निष्पादन महीटरिंग ।
16.	डॉ. एस कौल, निदेशक (वैज्ञानिक)	दूरध्वाष सं. 24360492 26178917(R)kaul52@yahoo.com इंटरकॉम सं. 602	- नप्पमूर्मियों का संरक्षण और प्रबंध ; - सलौम अली पक्षी विज्ञान और प्राकृतिक विज्ञान केन्द्र (एस ए सी औ एन) ; - राष्ट्रसर कन्वेशन ।
17.	श्री विधेक सदसेना, निदेशक	दूरध्वाष सं. 24362065 fe062@ifs.nic.in इंटरकॉम सं. 435	- गोविन्द बल्लभ पंत हिमालयी पर्यावरण विकास संस्थान (जी बी पी एच आर ई डी) और अन्तर्राष्ट्रीय एकीकृत पर्यावरण विकास केन्द्र (आईसीआईएमओडी) भारतीय घन सेवा अधिकारियों का वार्षिक भोपनीय रिपोर्ट प्रकोष्ठ और ए जी एम यू टी संघर्ष का संघर्ष प्रबंध ; जलवायु परिवर्तन (सीसी) (सैक्षण्य प्रधान)
18.	श्री आर के सेठी, निदेशक	दूरध्वाष सं. 24362252 rksethi@nic.in इंटरकॉम सं. 135	- उपचारी राजनीतियों के जरिए प्रदूषण की ऐकथाम ;
19.	डॉ. जगराम, निदेशक (वैज्ञानिक)	दूरध्वाष सं. 24367640 jagram@nic.in इंटरकॉम सं. 739	- पारि-शहर ; - पूरे लाल प्राधिकरण - पारिस्थितिकीय प्राधिकरण की हास - राष्ट्रीय पर्यावरणीय अपीलीय प्राधिकरण - पुरस्कार - न्यायिक मामले ।

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20.	डॉ. जे. आर. भट्ट निदेशक (वैज्ञानिक)	दूरभाष सं. 24363962 jrbhatt@nic.in इंटरकॉम सं. १२६	ओल एंट्रीटक टैक्सोनोमी क्षमता निर्माण परियोजना राज्य सरकारों को कच्छ वनस्पति और चोरों लगातार के संरक्षण के लिए वित्तीय सहायता प्राकृतिक संसाधनों और सतत् उपयोगिता पर ध्येयनक एक्सपर्ट ग्रुप (ख) (मानव और जैव मरुदण्ड, कच्छ वनस्पति और कोरल रीफो, नम भौमिक वैष विविधता आदि पर प्रस्तावों पर विचार करन हैं) वर्गीकी के लिए राष्ट्रीय पुरस्कार।
21.	डॉ. ए. दुराईवामी निदेशक (वैज्ञानिक)	दूरभाष सं. 24642176 ozone-med@nic.in	आजोन मैल और प्रान्तिक्षेत्र प्रोटोकोल
22.	डॉ. (श्रीमती) गंजनी वारियर निदेशक (वैज्ञानिक)	दूरभाष सं. 24363964 wariyer@nic.in इंटरकॉम सं. ५३०	- अनुरागिक इंजीनियरिंग वन्यजाति समिति (जो है ए. ए.) - जैव-भूमिका पर कार्डिनेना प्रोटोकोल - जैव-भूमिका पर क्षमता निर्माण परियोजना
23.	श्री सुरेश प्रसाद नौरा,	दूरभाष सं. 24361950 esp12@indiatimes.com इंटरकॉम सं. ६२५	हिन्दी (सं. १००३)
24.	डॉ. एस. के. अग्रवाल निदेशक (वैज्ञानिक)	दूरभाष सं. 24362404 skag@nic.in इंटरकॉम सं. ५४९	- खनन (एवं वातावरण) (गैर-कोकला) - ताप विभव परियोजनाएं - (डॉ. आरए) अधिसूचना संशोधन एवं संबंधित मुद्रा - उद्योग विनायकाओं का पर्यावरणीय मूल्य निर्भारण
25.	डॉ. पी. एल. आहुजाराय निदेशक (वैज्ञानिक)	दूरभाष सं. 24363973 plahujarai@yahoo.com इंटरकॉम सं. १७४	- खनन (एवं वातावरण) अंतु मूल्य निधारण समिति - एस है आर ए. ए और एस है ए. सी का गठन और उन पर अनुकूल कार्रवाई/मानोटी - तंत्र, ऐस और गंदूलियम और डिस्टीलरीज क्षेत्र सहित अंशोगिक परियोजनाएं निर्माण (सं. १००३)
26.	श्री भगवन राम निदेशक (वैज्ञानिक)	दूरभाष सं. २४३६३९६२ भगवनराम@nic.in इंटरकॉम सं. १२६	- सूखे (एवं वातावरण) वातावरण-कर, वरिष्ठ अधिकारी (एवं एडिटर) और वाय विवरण हेतु सूखे, एवं वातावरण परका कोयले (एवं वातावरण) का पर्यावरणीय निर्माण (सं. १००३) एवं ए. प्रधान इंटरकॉम सं. १७२ ई; घबशद
27.	डॉ. वी. चौधरी	दूरभाष सं. २४३६३९६२ vijaych@nic.in	- शेत्र विभाग (एवं वातावरण) की पर्यावरणीय के विकास हेतु प्रस्तावों की समीक्षा करना और संस्थानों को वित्तीय जारी करना
मूर्खाकान - सेन्टर ऑफ भारतिय एक्स्प्रेस (ए) एम			

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28.	डॉ. नसीम अहमद निदेशक (वैज्ञानिक)	दूरध्वाप सं. 24363677 naseem552004@yahoo.co.in इंटरकॉम सं. 927	- परिप्रणाली अनुसंधान कार्यक्रम से संबंधित परियोजनाओं के लिए वित्तीय सहायता - पूर्वी और पश्चिम भाट कार्यक्रम से संबंधित परियोजनाओं के लिए वित्तीय सहायता - प्राकृतिक संसाधनों के संरक्षण और सतत उत्पयोग पर थीमेटिक विशेषज्ञ ग्रुप (क) (पारि प्रणाली और अनुसंधान पूर्वी और पश्चिम भाटों के संबंध में प्रस्तावों पर विचार करना ई आर सो-स्कीम परियोजनाएं जो प्रदूषण निवारण, नियन्त्रण और उपशमन से संबंधित हों - सामाजिक और आर्थिक थीमेटिक ग्रुप जो सागर लाभ विश्लेषण, सामाजिक आर्थिक मुद्दों, से संबंधित हों, विधिक और नोति संबंधी मामले - राष्ट्रीय प्राकृतिक संसाधन प्रबंध प्रणाली (एन एन आर एम एस) - थीमेटिक विशेषज्ञ ग्रुप्स, प्रदूषण निवारण, नियन्त्रण और उपशमन
29.	श्री अशोक भाटिया निदेशक (वैज्ञानिक)	दूरध्वाप सं. 24367625 forabhatia@yahoo.com इंटरकॉम सं. 552	- पर्यावरण (आर ई) प्रभाग में अनुसंधान कार्य का समन्वय अधिकतम दुर्घटना ज्ञेन्त्रिय (एम ए एच) इकाई में रसायनिक सुरक्षा, परसिसटेन्न्स ऑर्गेनिक गाल्यूटोन्ट्स (पी और पी) पर स्टाकहोम कन्वेंशन राष्ट्रीय रसायनिक प्रबंध प्रोफाईल
30.	डॉ. (श्रीमद्दी) चन्दा चौधरी निदेशक (वैज्ञानिक)	दूरध्वाप सं. 24367652 chhanda-c@yahoo.com इंटरकॉम सं. 741	- जैव विकितसा अपशिष्ट प्रबंधन (प्रबंधन और हथालत) निवारणीय मामले - पैतृ भंजन मामले - उच्चतम न्यायालय मामले जो खतरनाक अपशिष्ट प्रबंधन से संबंधित हैं और 1995 से संचित है - खतरनाक अपशिष्ट प्रबंधन पर उच्चतम न्यायालय मानीटरिंग कमेटी - वेस्ट ऑफल/यूज़ड ऑफल और नॉनफेरेंस एटालिक अपशिष्टों के रिसाइकलर्स का पंजीकरण
31.	डॉ. एम. सुब्रता राव निदेशक (वैज्ञानिक)	दूरध्वाप सं. 24361410 wowsubbarao@yahoo.co.in इंटरकॉम सं. 738	- वेस्ट ऑफल/यूज़ड ऑफल का पुनःचक्रकरण - सुरक्षित और पर्याकरणीय दृष्टि से साड़ंड शिप पुनःचक्रकरण के अंतर्गत्तीय मेरीटर्ड मंगठन (आई एम ओ) की समुद्री पर्यावरण मुराशा समिति - एच एस एम डी का समन्वय

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32.	डॉ. ई. चौ. मूले निदेशक (वैज्ञानिक)	दूरभाष सं. 24364593 evmuley@nic.in इंटरकॉम सं. 558	भारतीय बनस्पति सर्वेक्षण (बी एस आई), भारतीय प्राणी सर्वेक्षण (बैड एस आई), भारतीय गणतंत्र का बानस्पतिक उद्यान (बी जी आई आर), ई-गवर्नेंस
33.	डॉ. पी. बी. रसोगी निदेशक (वैज्ञानिक)	दूरभाष सं. 24367668 pb.rastogi@nic.in इंटरकॉम सं. 550	- पर्यावरण प्रभाव मूल्यांकन औद्योगिक परियोजना - पर्यावरणीय परामर्शदाता को प्रभिकृत करना और क्यू.सी.आई.के साथ समन्वय स्थापित करना।
34.	डॉ. सरोज निदेशक (वैज्ञानिक)	दूरभाष सं. 24364067 sarojmoef@yahoo.com इंटरकॉम सं. 751	- एच एस एम डी - बेसल कन्वेंशन - खतरनाक अपशिष्ट (प्रबंधन एवं हथालन) नियमावली, बैटरीज (प्रबंधन एवं हथालन) नियमावली, खतरनाक अपशिष्टों की सीमापार आकाजही के नियंत्रण पर बेसल कन्वेंशन - डॉ जी एफ टी मामलों सहित खतरनाक अपशिष्ट का आवात-नियंत्रित - ई बेस्ट पर टारक फोर्म सहित ई बेस्ट
35.	श्री अंजनी कुमार निदेशक (पशु कल्याण)	दूरभाष सं. 23318553 anjani.moef@yahoo.com.	- लैंड एसिड बैटरीज (प्रबंधन और हथालन) नियम पशु कल्याण प्रभाग और पर्यावरण एवं बन मंत्रालय की बेबसाइट का उन्नयन/ विकास - श्रीमीय कार्यालयों द्वारा प्रस्तुत की गई मानीटरी रिपोर्टों का मूल्यांकन - परियोजना प्रस्तावकों से प्राप्त द्विवार्षिक रिपोर्टों का तकनीकी मूल्यनिर्धारण - आई.ए. प्रभाग की आंतरिक बैठकों सहित समन्वय गतिविधियां
36.	डॉ. सुनीता बी. औलक निदेशक	दूरभाष सं. 24367685 sunita50@yahoo.com इंटरकॉम सं. 538	- मंत्री मंडलीय सचिव को मासिक डी.ओ., सूचना का अधिकार संबंधी मामले, भारतिक समन्वय बैठक एन आर सी डी की एस आई एस रिपोर्ट- नियंत्रित करने और झीलों में अपशिष्ट नियांत्रित करने वाले अत्याधिक प्रदूषित उद्योगों की मानीटरिंग स्थिति - एन आर सी डी की वार्षिक रिपोर्ट - एन आर सी डी का निष्पादन बजट - एन आर सी डी का निष्कर्ष बजट
37.	डॉ. हुसैन अहमद निदेशक	दूरभाष सं. 24361669 habmed2000@yahoo.com इंटरकॉम सं. 123	

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38. डॉ. उदय शंकर निदेशक (आई.एफ.डी.)	दूरभाष सं. 24362387 drudayshanker@gmail.com इंटरकॉम सं. 917	- महालेखा परीक्षक द्वारा यूडे गए एवं आर सी डी की संपर्कशा आपत्तियों के उत्तर - एन आर सी डी की एम आई एस रिपोर्ट का संकलन - एन आर सी डी की वार्षिक कार्य योजना वन, एन. एई.डी. और कन्यजीव से संबंधित समेकित वित्त प्रधान
39. श्री ए. के. सास निदेशक	दूरभाष सं. 24367077 akjal87@gmail.com इंटरकॉम सं. 503	ए.जी.एम.यू.टी. संवर्ग के अतिरिक्त भारतीय वन सेवा (आई.एफ.एस.) का संवर्ग प्रबंध
40. डॉ. आर. के. राय निदेशक (वैज्ञानिक)	दूरभाष सं. 24367669(O) 2625098 (R) rmakrai@yahoo.com इंटरकॉम सं. 612	- वानस्पतिक उद्यानों को सहायता - सेंटर ऑफ इकोलॉजिकल सार्वजनिक बंगलादेश - जैव विविधता संरक्षण - सामुदायिक सहभागिता के माध्यम से जैव-विविधता संरक्षण पर यू.एन.डी.पी. परिवर्णना - पारिस्थितिकीय दृष्टि से संवेदनशील क्षेत्र - पर्साई ऐशा आर्थिक प्रकोष्ठ के नीतिगत मामले
41. डॉ. एम. ए. हक निदेशक	इंटरकॉम सं. 616	एन.आई.सी.
42. मुश्ति गुरु प्यारी अपर सलाहकार (आर्थिक)	दूरभाष सं. 24368843 gurupyari@nic.in इंटरकॉम सं. 925	- बंगल के राष्ट्रीय नदी संरक्षण कार्य, पश्चिम बंगल के राष्ट्रीय झील संरक्षण योजना कार्य - तमिलनाडु, दिल्ली और पश्चिम गुजरात, महाराष्ट्र बिहार झारखाड़ और अंधेरप्रदेश के राष्ट्रीय नदी संरक्षण कार्य
43. डॉ. आर. के. पाठक तकनीकी निदेशक	दूरभाष सं. 24360465 rkpathak@nic.in इंटरकॉम सं. 611	उडीसा पूर्वोत्तर राज्य, मध्य प्रदेश, छत्तीसगढ़ और कर्नाटक क्षेत्रीय निदेशक यू.पी./डी.डी.ओ. एन आर सी डी.इलाहाबाद के राष्ट्रीय नदी संरक्षण कार्य सांझा बहिराषाव शोधन संयंत्र (सी.ई.टी.पी.एस.)
44. श्री ललित कपूर, अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24368526 lkapoor 2000@yahoo.com इंटरकॉम सं. 14	- जल प्रदूषण - औद्योगिक प्रदूषण - घोत सौंचभाजन अध्ययन - मसले घोषणा - वायु प्रदूषण, व्यावर्षिक प्रदूषण और मानदंड निर्धारित करना, कोयला चापु आर्थिकम, प्रदूषण उपशमन पर वार्किंग ग्रुप, न्यायस्थल के मामले ।
45. श्री राजीव सिन्हा अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24363869 rsinha54@yahoo.com इंटरकॉम सं. 133	
46. श्री बी. बी. बर्मन अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24363007 Bidhu-mef@nic.in इंटरकॉम सं. 118	
47. डॉ. (श्रीमती) मुंजु रैना अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24360270 Mraina99@yahoo.com इंटरकॉम सं. 117	
48. श्री आर. एन. जिंदल अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24366347 rajjinidai@yahoo.com इंटरकॉम सं. 556	

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49.	डॉ. एम. भौमिक अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24362827 bhownik@merit.delhi.nic.in इंटरकॉम सं. 539	नवी नगरी और फन विद्युत परियोजनाएं
50.	डॉ. क.सी. राठौर अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24360791 rathore27@yahoo.com इंटरकॉम सं. 144	- निर्माण परियोजनाओं का पर्यावरणीय स्वीकृति, (महाराष्ट्र, हरियाणा, गुजरात, मध्य प्रदेश, राजस्थान, बंगलादेश) - अंतर्राष्ट्रीय एम्स्ट्रेट, पाकों, परिसरों क्षेत्रों एम् ई जेट/ईपीजेड, वायो-टेकक पाकों, धर्म परिसरों का पर्यावरणीय स्वीकृति।
51.	डॉ. सुजाता अरोड़ा अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24361504 sujata@vnic.in इंटरकॉम सं. 737	- राष्ट्रीय तंत्र विविधता प्रधिकरण (एनवीए) जैव विविधता पर कल्याशन (सौ बी डी), राष्ट्रीय तंत्र विविधता रणनीति एवं कार्य योजना (एन बी ए पी) - स्वच्छ राज्यांगिको सिक्कास और संधार/लघु स्तर के उद्योगों को बढ़ावा देना - नृनालय भविष्याप्त
52.	डॉ. एम सलाहुद्दीन अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24364595 msal2000@gmail.com इंटरकॉम सं. 743	- देश भर में नृनालय अपशिष्ट सर्किलों को स्थापना देना। - अवरान्द्रना और विविध परियोजनाएं, पतन, बहरगाह, एग्जोर्ट, मार्ग, रोपथेज, साझा वाहिन्य आधन संस्थान (सौ ई टी पी). प्रियंके पदार्थों के अपठान की सुविधा (टी एम डी एफ) - तटीय चिन्हिनन जीन (सौ आर जेड)
53.	डॉ. सौंधिल वेल अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24360694 senthil.vel@vnic.in इंटरकॉम सं. 742	विधिव: प्रकाश
54.	श्री ईरवर सिंह अपर निदेशक (विधि)	दूरभाष सं. 24362755 isingh1010@gmail.com इंटरकॉम सं. 614	- पर्यावरण शिक्षा केन्द्र अहमदाबाद - सौ बी आर पर्यावरणीय शिक्षा केन्द्र, चैन्स
55.	श्रीमती सुजाता खापरहे अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24360379 sujata_nik@vnic.in इंटरकॉम सं. 551	- नारे जलप्रदाना केन्द्रों को स्थापित करना - राष्ट्रीय पर्यावरणीय जागरूकता अधिकारी (एन ई ए पी) - पर्यावरण कार्यक्रम (ग्लोब) को लाभान्वित करने के लिए ग्लोबल लैरिंग और ओवजरवेशस्स - एम एन आर डी, एन सी ई आर टी और राज्य शिक्षा विभागों के साथ समन्वय सहित आंपचारिक पर्यावरणीय शिक्षा - व्यावसायिक पाठ्यक्रमों में पर्यावरण को मजबूत बनाना - इन्हूं के भव्यम से पर्यावरणीय एप्रिसिएशन पाठ्यक्रम

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56.	श्रीमती रीता खना अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24367664 rita_khanna_2000@yahoo.com इंटरकॉम सं 176/173	- संग्रहालयों/परिसंचारों/कार्यशालाओं के लिए वित्तीय सहायता की मंजूरी - आवासायिक सोयायटी/संस्थानों को सहायता अनुदान - पर्यावरण पर प्रकाशनों के लिए वित्तीय सहायता की मंजूरी - पुस्तकालय से संबंधित सभी कार्य बाह्य सहायता प्राप्त परियोजना सात लैडस्केप राज्यों में जैव विविधता संरक्षण और ग्रामीण आजीविका उन्नयन परियोजना बी.पी. पल फैलोशिप अवार्ड जैव विविधता पर पर्यावरण पर पीताम्बर घंत राष्ट्रीय फैलोशिप अवार्ड
57.	डॉ. तारी चांगड़ी अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24360806 इंटरकॉम सं. 177	एन एन आर एम के तहत अनुसंधान प्रस्ताव
58.	डॉ. ए. के. त्यागी अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24367670 इंटरकॉम सं. 609	- अंतर्राष्ट्रीय रसायन प्रबंध का स्ट्रेचिक एप्रोच (एस ए आई सी एम) - अंतर्राष्ट्रीय व्यापार में कठिपय परिसंकटमय रसायनिकों और कीटनाशकों हेतु पूर्ण सूचित कन्सेन्ट प्रोसिजर पर ऐटरडेम कन्वेशन - लोक देयता बीमा अधिनियम - नगर डेस अपशिष्ट (प्रबंधन और हथालन) नियमावली - युन: चाक्रित ल्यास्टिक (प्रबंधन और हथालन) नियमावली
59.	डॉ. आर. के. सुरी अपर निदेशक (वैज्ञानिक)	दूरभाष सं. 24361668 rk_suri@yahoo.co.uk इंटरकॉम सं 913	- मानव और जैव-मण्डल रिजर्व कार्यक्रम
60.	श्रीमती सचिता चिन्द्रल अपर निदेशक	दूरभाष सं. 24360488 sanchita@nic.in इंटरकॉम सं 752	- फौटोफोटोन ऑफ रिवाईटलाइजेशन ऑफ सोकल हेल्प ट्रीडेशन (एफ.आर.एल.एच.टी) से संबंधित मामले - औषधीय पौधों पर यू.एन.डी.पी. परियोजनाएं - मंत्रालय के अन्य प्रभारों के साथ औषधीय पौधों पर समन्वय स्थापित करना। अंतर्राष्ट्रीय सहयोग (आई सी और एस डी-2) - राष्ट्रीय प्रकृतिक विज्ञान संग्रहालय (एन.एम. एन एच)
61.	डॉ. प.स. द्वा. रेड्डी अपर निदेशक	दूरभाष सं. 24366764 svreddy_1950_2000@yahoo.com इंटरकॉम सं 753	स्थानीय कार्यालय (मुख्यालय) (आर ओ (एच क्यू) के प्रशासनिक मामलों सहित)
62.	डॉ. एम. होता अपर निदेशक	दूरभाष सं. 24367663 hota@nic.in इंटरकॉम सं 914	
63.	श्री समीर श्रीवास्तव उप सचिव (आई सी-2)	दूरभाष सं. 24362612 sameer.ks@nic.in इंटरकॉम सं 603	
64.	सुश्री प्रतिभा राज उप सचिव (पी सी और टी एच ई)	दूरभाष सं. 24366739 pratibharaj@nic.in इंटरकॉम सं 745	

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65.	श्रीमती एस. घोष राय उप सचिव	दूरभाष सं. 24360772 Saheli.ghosh@nic.in इंटरकॉम सं 707	पर्यावरण नीति और कानून और सतत विकास (एस.डी.-।) तथा अंतर्राष्ट्रीय सहयोग (आई सी) +मीडिया सेल का अतिरिक्त प्रभार
66.	श्रीमती राजश्री रे राय उप सचिव	दूरभाष सं. 24361233 rajashree.r@nic.in इंटरकॉम सं 444	जलवायु परिवर्तन का अनुकूलन (सी.सो.)
67.	श्री नारायण दास उप सचिव	दूरभाष सं. 24367631 dass.narain@nic.in इंटरकॉम सं 527	सामान्य सेमन्ड्रय, सूचना का अधिकार अधिनियम (आर.टी.आई.) तथा आंतरिक कार्य अध्ययन एकक
68.	श्री सी. एल. लाग्नायन	दूरभाष सं. 24360769 उप सचिव	गैर शासकीय संगठन (एन.जी.ओ.) प्रकोष्ठ इंटरकॉम सं. 604
69.	श्री अग्रिम कौशल उप सचिव	दूरभाष सं. 24364642 agrim.k@nic.in इंटरकॉम सं 704	व्यापार और पर्यावरण, पी. सी. प्रभाग
70.	श्री पंकज गर्ग उप-सचिव	दूरभाष सं. 24360686 pankaj.garg@nic.in इंटरकॉम सं 918	सामान्य प्रशासन (जी.ए.), संसद और प्रोटोकॉल
71.	श्री एस. को. जैन उप-सचिव	दूरभाष सं. 24366837 sayashjain2011@yahoo.com इंटरकॉम सं 617	राष्ट्रीय वनीकरण एवं पारि-विकास बोर्ड प्रशासन और बन ग्रामों का विकास
72.	श्री सी. डी. सिंह सहायक वन महानिरीक्षक	दूरभाष सं. 24363984 cdsingh.1987@rediffmail.com एक्सटेंशन सं 523	बन संरक्षण (बन संरक्षण अधिनियम, 1980) बन सलाहकार समिति
73.	श्री बी. के. सिंह सहायक वन महानिरीक्षक	दूरभाष सं. 24361316 bksingh38@hotmaill.com इंटरकॉम सं 525	बन संरक्षण योग्य, पंजाब, हरियाणा, हिमाचल, उत्तराखण्ड, उत्तर प्रदेश, बिहार, असम, नागालैंड, त्रिपुरा को छोड़कर महाराष्ट्र, डिल्ली, मध्यप्रदेश, पूरा दक्षिण (बन संरक्षण अधिनियम, 1980) ई ए. पी.पूर्वोन्नर रेल कार्य से संबंधित कार्य
74.	श्री डी. जैन सहायक वन महानिरीक्षक	दूरभाष सं. 24362497 debasisjain2002@rediffmail.com इंटरकॉम सं 706	एक डी ए.एन.ए.पी. (7 राज्य) हरियाणा, पंजाब उडीसा, जम्मू और काश्मीर, छत्तीसगढ़, मध्यप्रदेश, हिमाचल प्रदेश, एनएफी से संबंधित नीति मामले फार्म भूमियों पर वृक्षारोपण और सी.ई.एम.टी.टी. एमस्पेलीयकरण
75.	श्री राजबीर सिंह सहायक वन महानिरीक्षक	दूरभाष सं. 24364981 rajbir_singh_ifs@yahoo.com इंटरकॉम सं 708	एन.ए.ई.बी.एफ. (9 राज्य) पश्चिम बंगाल, झारखण्ड, बिहार, महाराष्ट्र, गोवा, तमिलनाडु, केरल, युजरात और राजस्थान, हरित भारत स्कॉम, ग्राम बन योजना स्कॉम और राष्ट्रीय वनीकरण और परिविकास बोर्ड (एन.ए.ई.बी.
76.	श्री एम.डी. सिन्धा ए.आई.जी.एफ.	इंटरकॉम सं. 431	सर्वेक्षण और उपयोगिता, आई.टी.टी.ओ., वानिकी सांख्यिकी

1.	2	3	4
77.	श्री दमाकांति सहायक वन महानियोधक	दूरभाष सं. 24363974 ukant1996@yahoo.co.in इंटरकॉम सं 517	वन सुरक्षा प्रभाग और संयुक्त वन प्रबंध (जे एफ एम) सैल; जलवायु परिवर्तन पर यूनिटेट नेशन फ्रेम कर्क (यू.एन.एफ.सी.सी. सी), और इमारती वन डल्पाद
78.	श्री प्रमोद कृष्णनन संयुक्त निदेशक	दूरभाष सं. 24361795 jd-wl@nic.in इंटरकॉम सं 717	वन्यजीव, संकटापन्न प्रजातियों के अन्तर्गतीय च्छापर पर कन्वेशन (साईट्स), हाथी परिवेजना, राष्ट्रीय उद्धार और अभयारण्य राष्ट्रीय बाघ संरक्षण प्राधिकरण (एन टी सी ए) से संबंधित सभी मामले
79.	श्री एस. घो. यादव संयुक्त निदेशक	दूरभाष सं. 23389883 jdmtca@gmail.com	जलवायु परिवर्तन और ओजन सैल
80.	डॉ. एस. सतपथी संयुक्त निदेशक	दूरभाष सं. 24369629 ssatapathynef@nic.in इंटरकॉम सं 601	
81.	श्रीमती मधुमिता विश्वास संयुक्त निदेशक	दूरभाष सं. 24363960 इंटरकॉम सं. 750	पर्यावरण सूचना प्रणाली (एनविस) केन्द्र
82.	श्री नीरज खान्नी उप-निदेशक	दूरभाष सं. 24365199 neerajkhatri@hotmail.com.6 इंटरकॉम सं 14	- पर्यावरणीय संवास्थ्य
83.	डॉ. घो. एस. रावत उप-सचिव (एस)	दूरभाष सं. 24361669 Psrawatnef@nic.in इंटरकॉम सं 502	इन्द्रिय गांधी पर्यावरण पुस्तकार जवाहर लाल नेहरू यूनिवर्सिटी चैयर ऑन पर्यावरणीय कानून और पर्यावरण सूचना प्रणाली (एनविस) स्कॉल के कुछ कार्य

2. उक्त अधिनियम की धारा 19(1) के तहत अर्द्धात्मिक प्राधिकरण के रूप में नार्माइट संयुक्त सचिव/वन महानियोधक/सलाहकार स्तर
के अधिकारी।

क्र.सं.	पद नाम	दूरभाष सं.	विषय सामग्री
1.	2	3	4
1.	श्री भारत भूषण संयुक्त सचिव एवं वित्तीय सलाहकार	दूरभाष सं 24362388 bharatbhushan@mof.t.gov.in इंटरकॉम सं 437	<ul style="list-style-type: none"> - मंत्रालय के एस एफ सी/ई एफ सी/सी ए ए प्रस्तावों की जांच करना और उन पर सहमति प्रदान करना। - विदेशों में प्रतिनियुक्ति। - सहायता अनुदान जारी करना। - मंत्रालय के वित्तीय मामले। - अधिकारियों और कर्मचारियों द्वारा प्राप्त किया गया पारिश्रमिक। - अनुदान मार्गे तैयार करना व मुद्रण। - प्रारूप/ऑफिट पैरा पर की गई कार्रवाई टिप्पण प्रस्तुत करना।
2.	श्री रघ्वी रंजन राश्मि संयुक्त सचिव	rt.rashmi@nic.in इंटरकॉम सं. 408	जलवायु परिवर्तन (सीसी) (सीडीएम और यूएनएफ सी सी सहित) सतर्कता भीड़िया

1	2	3	4
9.	डॉ. जी.के. पांडे सलाहकार	दूरभाष सं. 24360467 pandey@menf.delhi.nic.in इंटरकॉम सं. 531	पर्यावरणीय स्वास्थ्य, विश्व बैंक औद्योगिकीय विकास क्षमता परियोजना, ताप विद्युत एवं भवन निर्माण क्षेत्र से संबंधित प्रभाव मूल्यांकन, कोयला खनन क्षेत्र का प्रभाव मूल्यांकन, इंटरडेम कन्वेशन, स्ट्रेटेजिक अप्रोच दृष्टिकोणस्त कैमिकल्स ऐरेजमेंट (एस.ए.आई.सी.एम.), राष्ट्रीय आपदा प्रबंध प्राधिकरण (एन.डी.एम.ए.) रसायनिक आपदा (खातिरक रसायनिक प्रबंध, सहित) नगर ढोस अपशिष्ट प्रबंध एम.एस.एच.आई.सी. नियमावली, रसायन दुर्घटना नियमावली तथा रसायन सुरक्षा, स्टीक्सोम कन्वेशन (प्रभावी मूल्यांकन और पी.ओ. पी. संवीक्षा समिति), स्टार्टिक विनिर्माण और उपयोगिता नियमावली, एम.एस. डब्ल्यू. नियमों का कार्यान्वयन, जन दायित्व सुरक्षा और संबंधित न्यायिक मामले, पारा सहित भारी धातुएं पर्यावरणीय शिक्षा (पुस्तकालय संहित), ग्लोबल परिवर्तन गुड्स
10.	श्री आर. मेहता सलाहकार	दूरभाष सं. 24362840 rmehta@nic.in इंटरकॉम सं 543	- योजना समन्वय, आर्थिक प्रकोष्ठ, व्यापार और पर्यावरण - बजट प्रस्ताव और बजट अनुमान
11.	श्री आर.एस.अहलावत आर्थिक सलाहकार	दूरभाष सं. 24362663 rasahlawat-maff@nic.in इंटरकॉम सं 908	- बजट प्रस्तावों की संवीक्षा और पूरक अनुदान हेतु बजट प्रस्ताव संग्रह बजट अनुमानों को तेशार करना। - मंत्रालय की शक्तियों के अंदर और मंत्रालय की शक्तियों के बाहर दोनों में प्रस्तावों के पुनर्विनियोजन की प्रक्रिया संबंधी कार्य।
12.	डॉ. एस. पी. शर्मा सांख्यिकीय सलाहकार	दूरभाष सं. 24363021 sprasad.sharma@nic.in इंटरकॉम सं 103	पर्यावरण एवं जन मंत्रालय की वार्षिक रिपोर्ट, पर्यावरण स्थिति 'रिपोर्ट', पर्यावरणीय सूचना (इन्दिरा गांधी पर्यावरण पुस्तकार को छोड़कर), सांख्यिकीय प्रकोष्ठ, एन.जी.ओ. प्रकोष्ठ
13.	डॉ. नलिनी भट्ट सलाहकार (वैज्ञानिक)	दूरभाष सं. 24360478 nalinibhatt@nic.in इंटरकॉम सं 541	- उद्योग क्षेत्र संबंधी प्रभाव मूल्यांकन अवसंरचना, नदी घाटी, खनन क्षेत्र व तटीय विनियमन जोन (सी आर जेड) से संबंधित प्रभाव मूल्यांकन, स्रोत संविभाजन अध्ययन और माले उद्घोषणा वन्यजीव, वन्यजीव क्षेत्रीय कार्यालय, साइटेस, राष्ट्रीय उद्यान और अभयारण्य, डब्ल्यू.एच.सी. राष्ट्रीय प्राणि उद्यान, केन्द्रीय चिह्निकार प्राधिकरण, एन.बी.डब्ल्यू.एल.एफ., सी.एम.एस., यूनेस्को, वन्यजीव
14.	डॉ. आर. बी. लाल जन महानियोधक	दूरभाष सं. 24360740 lgfwl-mnef@nic.in इंटरकॉम सं 106	राज. परि-विकास बोर्ड, एफ.डी.एन.ए. पी (28 राज्य), वन्नीकरण से संबंधित नीतिगत मामले, ग्रीनिंग इंडिया स्कीम हेतु सहायता
15.	श्री के. बी. थम्मी जन महानियोधक	दूरभाष सं. 24367404 kbhampi-mnef@nic.in इंटरकॉम सं 710	

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16.	श्री अंसार अहमद वन महानिरीक्षक (एफ सी)	दूरभाष सं. 24362698 ansarabimed51@yahoo.com इंटरकॉम सं 115	अनुदान, परिविकास स्कोर्स और अन्य राज. पारि-विकास स्कीमों एमएण्ड ई और इन्दिरा प्रियदर्शिनी चृक्षमित्र पुरस्कार, गैर-इमारती लकड़ी बन-उत्पाद के लिए नोडल अधिकारी। यूनाइटेड नेशन्स कर्वैशन टू, कम्बैट हेजटीफिकेशन (यू. एन सी सी डी
17.	श्री अंसार अहमद वन महानिरीक्षक (ई ए पी)	दूरभाष सं. 24362698 ansarahmed51@yahoo.com इंटरकॉम सं 115	वन संरक्षण (एफ सी) क्षेत्रीय कार्यालय (आर. ओ.) चानिकी अनुसंधान व प्रशिक्षण और वन नीति, बाह्य सहायता प्राप्त परियोजना प्रकोष्ठ और पूर्वोत्तर राज्य प्रकोष्ठ, वन संरक्षण बाह्य सहायता प्राप्त परियोजनाएं (ईएरी) सर्वेक्षण और उपयोगिता (एस यू) और वन सुरक्षा प्रभाग (एफ पी डी)
18.	श्री ए. एन. प्रसाद वन महानिरीक्षक व निदेशक	दूरभाष सं. 24360957 gajendra@nic.in (पी ई) इंटरकॉम सं 113	हाथी परियोजना, मासतीय बन्यजीव संस्थान और बन्यजीव अपराध प्रकोष्ठ
19.	श्री राजेश गोपाल वन महानिरीक्षक और निदेशक (पी टी)	दूरभाष सं. 23384428 dirpt-t@nic.in	राष्ट्रीय बाघ संरक्षण प्राधिकरण (एन टी सी ए) से संबंधित सभी मामले
20.	श्री बी. आर. शर्मा सदस्य सचिव, सी.जेड.ए	दूरभाष सं. 23381585 cza@nic.in	केन्द्रीय चिडियाघर प्राधिकरण, राष्ट्रीय प्राणि उद्यान, सर्वेक्षण और उपयोगिता, वन सुरक्षा प्रभाग और जे एफ एम प्रकोष्ठ, वन नीति, एन एफ ए पी, एक आई सी, वन अनुसंधान और प्रशिक्षण और एन एफ सी
21.	श्री ए. के. त्रिवेदी भूख्य अधियंता (सीसीयू)	दूरभाष सं. 24360643 फैक्स 24363422 ceccu@nic.in इंटरकॉम सं 728	पर्यावरण एवं वन मंत्रालय और इसके विभागों, अधीनस्थ कार्यालयों और स्वायत्त संस्थानों के कार्यों की योजना और निष्पादन से संबंधित मामले जो कि सिविल निर्माण यूनिट को सौंपे जाते हैं
22.	डॉ. जी.वी. सुब्रामणियम सलाहकार (वैज्ञानिक)	दूरभाष सं. 24364594 gvs_moef2005@yahoo.co.in इंटरकॉम सं 548	पर्यावरण में अनुसंधान (आरडी) फ्लाई एश तथा पारिस्थितिकीय संवेदनशील क्षेत्र, वार्गिकी में क्षमता निर्माण पर अखिल भारतीय समन्वित परियोजना, (ए.आई.सी.ओ.पी.टी.ए.एक्स), एनटिटिस ऑफ इनकम्प्यरेबल बल्ल्यू रेग्यूलेशन, एन एम एन एच
23.	श्री एस. एस. गहलोत वरिष्ठ निदेशकीय निदेशक	दूरभाष सं. 24305326 gahlot@nic.in	एन.आई.सी.

III. ऐसे सभी अधिकारी जिनके पास जामकारी है और जो मामलों का निपटान कर रहे हों, वे वस्तुतः जन सूचना अधिकारी होंगे।

IV. मंत्रालय के सिंक अधिकारियों को नामोदिष्ट किए जाने की व्यवस्था, सूचना का अधिकार अधिनियम के तहत मामलों का निपटान कर रहे अपीलीय प्राधिकरण (केन्द्रीय जन सूचना कार्यालयों को भी लागू होगी।

V. यह अधिसूचना मंत्रालय की दिनांक 19 जून, 2008 को पूर्व अधिसूचना संख्या 1/2/2007-आर.सी. का अधिकांत करती है।

[सं. 1/2/2007-आर. सी.]

ए. के. गोपल, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FOREST

New Delhi, the 3rd October, 2008

S.O. 2946.—No. I/2/2007-RC. In exercise of the powers conferred by Section 5(1)/Section 19(1) of the Right to Information Act, 2005, the following officers of the Ministry of Environment and Forests are hereby designated as Central Public Information Officers/Appellate Authorities etc., in respect of the specific subject matters mentioned against their names.

I. Officer of the level of DIGF/Director/Additional Director/Deputy Secretary/AIGF/Jt. Director/DD designated as Central Public Information Officers under Section 5(1) of the Act.

S.No.	Designation	Tele. No.	Subject Matter
1	2	3	4
1	Smt. Ranjna Gupta, DIGF(FP)	T. No. 24360549 ranjnagupta2001 @yahoo.com Intercom No. 520	Forest policy, NFAP, Forest International International Cooperation (FIC) & National Forest Commission (NFC).
2	Shri Ashok Pai, DIGF(NAEB)	T. No. 24362416 skumar_ifs@yahoo.co.in Intercom No. 705	NAEB, FDA/NAP, (12 States), Policy matters related to afforestation, 20 Point Programme, M&E, Communication & United Nations Convention to Combat Desertification (UNCCD)
3	Shri A. K. Johari, DIGF(RT)	T. No. 24364624 johari60@yahoo.com Intercom No. 513	Forestry Research and Training, Asia Pacific Forest Invasion Network (APFISN), International Network for Bamboo and Rattan (INBAR), Administrative and Financial matters of Indian Council Forestry Research and Education (ICFRE), Dehradun, Forest Survey of India (FSI), Dehradun, Indira Gandhi National Forest Academy (IGNFA), Dehradun, Directorate of Forest Education (DFE), Dehradun and all matters of Indian Plywood Industries Research and Training Institute (IPIRTI), Bangalore and Indian Institute of Forest Management (IIFM), Bhopal.
4	Shri Anmol Kumar, DIGP(WL)	T. No. 24362813 aka6@indiatimes.com Intercom No. 519	Wildlife, Wildlife Regional Offices, World Heritage Convention, National Zoological Park, Central Zoo Authority, National Board of Wildlife, matter relating to International Conservation Union, Convention on Migratory Species, UNESCO.
5	Dr. Dilip Kumar, Controller of Accounts	T. No. 24361116 drdk0000@yahoo.co.in Intercom No. 157	Scrutiny of budget proposals- Preparation of budget estimates- Interaction with Plan Coordination regarding Plan Budget. Scrutiny of proposals for inclusion in Supplementary Demands for grants. Processing of Re-appropriation proposals both within the Powers of Ministry and beyond the Powers of Ministry. - Preparation and Printing of demands for Grants. - Submission of Action Taken Notes on Draft/Audit paras.- Scrutiny and allocation of funds under loans to Government Servants. - Disbursal of salaries and other allowances. Disbursal

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6	Shri A. Andeeswaran, Suptd Engineer (CCU)	T. No. 24360588 seccu-mef@nic.in Intercom No. 725	of Grants-in-aid - Taking out periodical expenditure statement etc.
7	Dr. Rashid Hasan, Director (Scientific)	T. No. 24360734 hasan-mef@nic.in Intercom No. 740	Matters concerning/Pertaining to Planning and execution of the works of Ministry of Environment & Forests and its Departments, Subordinate Offices and Autonomous Institutions which are entrusted to Civil Construction Unit. -Wildlife research/Consultancies, -Bird flu (Avian Influenza) -Vulture conservation, -Awards & fellowships, etc. -World Bank & Food Agriculture Organization (FAO) projects - Thematic Group on Conservation & Management of Wild Life and Animal Welfare.
8	Shri. Satish K. Agarwal, Director	T. No. 24365218 satish. ka@nic.in Intercom No. 505	Administration (P. I, P. II & P. III & Public Grievance Redressal Cell, Expert Committee on Climate Change.
9	Shri Surendra Kumar, Director	Tele No. 24361613 kr063@ifs.nic.in Intercom No. 116	CP Division Vehicular Pollution
10	Shri Vijay Kumar, Director (Vig)	Tel No. 24366841 kravij@yahoo.com Intercom No. 535	Vigilance matters
11	Shri Chandan Singh, Director	Tel. No. 24360659 chandan. singh@nic.in Intercom No. 522	Forest Establishment (FE) Grievances Officer for employees of the MOEF
12	Shri. Satish K. Agarwal, Director (Addl. Charge)	T. No. 24368442/24362206 satish. ka@nic.in Intercom No. 140	National River Conservation Directorate (NRCD) Administration Co-ordination of IC & Training Budget, Annual Plan, Co-ordination of Parliamentary matters Committees, Committees of NRCA, Co-ordination work of NRCP/GAP including Parliament Questions, Matters of general nature requiring co-ordination, Co-ordination of YAP, Works of publicity, public participation and Media. -NRCP Works of U.P., Punjab, H. P., Haryana & Rajasthan -Complete co-ordination of JICA Study -NLCP works of J&K
13	Shri B. Sikka, Director (Scientific)	T. No. 24365020 bsikka@yahoo.com Intercom No. 122	NRCD Works related to Uttarakhand, Kerala and Goa and all other works related to cabinet notes and comments regarding Ministry of Urban Development, Jawaharlal Nehru Urban Renew Mission (JNURM)
14	Shri Yogesh Sharma, Director (Scientific)	T. No. 24366008 yogesh-mef@nic.in Intercom No. 141	-NLCP Co-ordination and works of NLCP for all States other than J& K, Utarkhand & West Bengal. -R & D Projects. -Water Quality Monitoring of Rivers under NRCP including sediments and Analytical Quality Control-Performance Monitoring of STPs
15	Dr. (Mrs.) R. Dalwani, Director (Scientific)	T. No. 24364789 r.dalwani@yahoo.com Intercom No. 142	

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16	Dr. S Kaul, Director (Scientific)	T. No. 24360492 26178917(R) kaul52@yahoo.com Intercom No. 602	-Conservation and Management of Wetlands -Salim Ali Centre for Ornithology & Natural History (SACON) -Ramsar Convention
17	Shri Vivek Saxena, Director	T. No. 24362065 hr062@ifs.nic.in Intercom No. 435	-G. B. Pant Himalayan Institute of Environment Development (GBPHIED) & International Centre for integrated Mountain Development (ICIMOD) and ACR CELL of IFS Officers & Cadre Management of AGMUT Cadre.
18	Shri R. K. Sethi, Director	T. No. 24362252 rksethi@nic.in Intercom No. 135	Climate Change (CC) (CDM Division)
19	Dr. Jag Ram, Director (Scientific)	T. No. 24367640 jagram@nic.in Intercom No. 739	- Abatement of Pollution through preventive strategies -Eco-cities -Bhure Lal Authority -Loss of Ecology Authority -National Environmental Appellate Authorities -Awards -Court Matters
20	Dr. J. R. Bhatt, Director (Scientific)	T. No. 24363962 jr.bhatt@nic.in Intercom No. 546	-All India Taxonomy Capacity Building Project -Financial assistance to state governments for conservation of mangroves and coral reefs -Thematic Expert Group (B) on conservation & Sustainable Utilization of Natural Resources (to consider proposals on Man and Biosphere, Mangroves & Coral Reefs, Wetlands, and Bio-diversity, etc.) -National Award for Taxonomy
21	Dr. A Duraiswamy, Director (Scientific)	T. No. 24642176 ozone-mef@nic.in	Ozone Cell & Montreal Protocol
22	Dr. (Mrs) Ranjini Warrier, Director (Scientific)	T. No. 24363964 warrier@nic.in Intercom No. 530	-Genetic Engineering Approval Committee (GEAC) -Cartagena Protocol on Biosafety -Capacity Building Project on Biosafety
23	Shri Suresh Prasad Chaubey, Director	T. No. 24361952 csp12w@indiatimes.com Intercom No. 625	Hindi (Official Language)
24	Dr. S. K. Agarwal, Director (Scientific)	T. No. 24362434 skag@nic.in Intercom No. 545	-Mining projects (Non-Coal) -Thermal Power Projects -Amendments of EIA Notification and related matters
25	Dr. P. L. Ahujarai, Director (Scientific)	T. No. 24363973 plahujarai@yahoo.com Intercom No. 174	-Environmental appraisal of Industry Projects -Appraisal Committee for Mining (non-coal) -Constitution of SEIAAs and SEACs and follow up/monitoring -Industrial Projects including of Oil, Gas and Petroleum and Distilleries Sector.
26	Shri Bharat Bhushan, Director (Scientific)	T. No. 24360795 Bhushan-mef@nic.in Intercom No. 516	-Construction Projects -Coordination of Parliament related matters, compilation of information for

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27.	Dr. T. Chandni, Director (Scientific)	T. No. 24363963 t.chand2003@yahoo.co.uk Intercom No. 172	Senior Officers meeting and expenditure statement. -Environment Impact Assessment of Coal Mining Project -Centre of Mining Environment (CME), Dhanbad -Review of proposals for development of sector specific EIA Manual/Guidelines and release of funds to Institutions.
28.	Dr. Naseem Ahmed, Director (Scientific)	T. No. 24363677 naseem552004@yahoo.co.in Intercom No. 927	-Financial assistance for projects relating to Eco-system Research Programme -Financial assistance for projects relating to Eastern and Western Ghats Programme -Thematic Expert Group (A) on Conservation and Sustainable Utilization of Natural Resource (to consider proposals on Eco-System Research and Eastern & Western Ghats). -ERC-scheme Projects relating to Pollution Prevention, Control and Abatement -Social and Economic Thematic Group relating to Cost Benefit Analysis, Social Economic issues, Legal and Policy related matters
29.	Shri Ashok Bhatia, Director (Scientific)	T. No. 24367625 forabhatia@yahoo.com Intercom No. 552	-National Natural Resources Management System (NNRMS) -Thematic Expert Groups Pollution Prevention, Control and Abatement -Co-ordination work of the Research in Environment (RE) Division
30.	Dr. (Mrs) Chanda, Chaudhary, Director (Scientific)	T. No. 24367652 chhanda-c@yahoo.com Intercom No. 741	Chemical Safety in Maximum Accident Hazard (MAH) Unit Stockholm Convention on Persistent Organic Pollutants (POP) National chemical management profile.
31.	Dr. M. Subba Rao, Director (Scientific)	Tel No. 24361410 wwwsubbarao@yahoo.co.in Intercom No. 738	-Biomedical waste management (Management & Handling) Rules -Ship breaking matters. -Supreme Court case regarding management of hazardous waste pending since 1995. -Supreme Court Monitoring Committee on management of Hazardous Waste. -Registration of recyclers of waste oil/ used oil and nonferrous metallic wastes. -Recycling of waste oil used oil. -Marine Environment Protection Committee (MEPC) of International Maritime Organization (IMO) regarding International Convention on Safe and Environmentally Sound Ship Recycling. -Co-ordination of HSMD.

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32	Dr. E. V. Mulay, Director (Scientific)	T. No. 24364593 evmulay@nic.in Intercom No. 558	Botanical Survey of India (BSI), Zoological Survey of India (ZSI), Botanic Garden of Indian Republic (BGIR), E-Governance.
33	Dr. P. B. Rastogi, Director (Scientific)	T. No. 24367668 pb.rastogi@nic.in Intercom No. 550	-Environment Impact Assessment Industrial Project -Accreditation of Environmental Consultant and co-ordination with QCI
34	Dr. Saroj, Director (Scientific)	T. No. 24364067 sarojmoef@yahoo.com Intercom No. 751	-HSMD -Basel Convention -Hazardous Waste (Management & Handling) Rules, batteries (Management & Handling) Rules, Basel Convention on control of trans-boundary movement of hazardous waste -Import Export of Hazardous Waste including DGFT matters. -E-waste including task force on e-waste -Lead Acid Batteries (Management & Handling) Rules.
35	Sh. Anjani Kumar, Director (AW)	T. No. 23318553 anjani.moef@yahoo.com	-Animal Welfare Division and update/development of the MoEF's websites.
36	Dr. (Ms.) Sunita V. Auluk, Director	T. No. 24367685 Intercom No. 538 Sunita 50@yahoo.com	-Evaluation of the monitoring reports submitted by the Regional Offices -Technical appraisal of the biannual reports received from project proponents -Co-ordination activities, including the internal meetings of IA Division -Monthly D.O. to Cabinet Secretary, RTI matters and internal cord Meeting.
37	Dr. Hussain Ahmed, Director	T. No. 24361669 hahmed2000@yahoo.com Intercom No. 123	-M. I. S report on National River Conservation Directorate (NRCD), -Monitoring of Industrial Pollution along Rivers and lakes. -Monitoring status of pollution control in Grossly Polluting Industries discharging their wastes into rivers and lakes. -NRCD's Annual Report -Performance Budget of NRCD -Outcome Budget of NRCD -Replies to Audit Objections of NRCD raised by CAG. -Compilation of MIS Report of NRCD -Annual Action Plan of NRCD.
38.	Dr. Uday Shankar, Director (IFD)	T. No. 24362387 drudayshanker@gmail.com Intercom No. 917	Integrated Finance Division on Forests, NAEB & Wildlife.
39.	Sh. A. K. Lal, Director	T. No. 24367077 Intercom No. 503 sklal87@gmail.com	-Cadre Management of Indian Forest Service (IFS), except AGMUT Cadre.

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40.	Dr. R. K. Rai, Director (Scientific)	T. No. 24367669(o) 2625098(R)ramakrai@yahoo.com Intercom No. 612	-Assistance to Botanic Gardens -Centre of Ecological Sciences, Bangalore -Biodiversity Conservation -UNDP Project on Biodiversity Conservation through Community participation -Ecologically Sensitive Areas -Fly ash.
41.	Dr. M. A. Haque, Director	Intercom No. 616	-Policy matters of Economic Cell.
42.	Ms. Gur Pyari, Addl. Adviser (Eco)	T. No. 24368843 Intercom No. 925 gurypyari@nic.in	NIC
43.	Dr. R. K. Pathak, Tech. Director	T. No. 24360465 Intercom No. 611 tkpathak@nic.in	-NRCP works of Tamil Nadu, Delhi & West Bengal. -NLCP works of West Bengal.
44.	Shri Lalit Kapoor, Addl. Director (Scientific)	T. No. 24368526 lkapoor2000@yahoo.com Intercom No. 143	NRCP works of Gujarat, Maharashtra, Bihar, Jharkhand and Andhra Pradesh.
45.	Shri Rajiv Sinha, Addl. Director (Scientific)	T. No. 24363869 rsinha54@yahoo.com Intercom No. 133	NRCP work of Orissa, North-East States, M.P., Chhattisgarh and Karnataka, Regional Director UP/DDO, NRCD Allahabad.
46.	Shri B. B. Barma, Addl. Director (Scientific)	T. No. 24363007 Bidhu-mef@nic.in Intercom No. 118	-Common Effluent Treatment Plants (CETPs) -Water Pollution -Industrial Pollution.
47.	Dr. (Mrs) Manju Raina, Addl. Director (Scientific)	T. No. 24360270 Mraina99@yahoo.com Intercom No. 117	-Source Apportionment Studies -Male Declaration -Air Pollution, noise pollution and setting of standards, coal beneficiation, appeals under air Act, working group on pollution abatement, court matters.
48.	Shri. R. N. Jindal, Addl. Director (Scientific)	T. No. 24366347 rnjindal@yahoo.com Intercom No. 556	-River Valley and Hydro Electric Projects
49.	Dr. S. Bhattacharya, Addl. Director (Scientific)	T. No. 24362827 bhattacharyamef@nic.in Intercom No. 539	-Environmental clearance to construction projects in Maharashtra, Haryana, Gujarat, M. P., Bihar, Jharkhand
50.	Dr. K. C. Rathore Addl. Director (Scientific)	T. No. 24366784 rathore17@yahoo.com Intercom No. 144	-Environmental clearance to industrial estates/pcx complexes areas, SEZ/ EPZ, biotech parks, leather complexes. -National Bio-diversity Authority (NBA) Convention on Biological Diversity (CBD) & National Bio-diversity Action Plan (NBAP).
51.	Dr. Sujata Arora, Addl. Director (Scientific)	T. No. 24361601 sujata@nic.in Intercom No. 737	-Clean Technology Developments and promotion for medium /small scale industries.
52.	Dr. M. Salahuddin, Addl. Director (Scientific)	T. No. 24361595 msal2000@hotmail.com Intercom No. 743	

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53	Dr. A. Senthil Vel, Addl. Director (Scientific)	T. No. 24360694 senthil.vel@nic.in Intercom No. 744	-Waste minimization -Establishment of Waste Minimization circles throughout the country. -Infrastructure and miscellaneous projects Ports, harbors, airports, roads, ropeways, common effluent treatment plants (CETP), toxic substances disposal facility (TSDF) -Coastal Regulation Zones (CRZ)
54	Shri Ishwar Singh Addl. Director (Law)	T. No. 24362755 Intercom No. 614 is Singh 1010@yahoo.com.in	Legal Cell
55	Mrs. Sujata Khaparde, Addl. Director (Scientific)	Tel. No. 24360379 sujata.mk@yahoo.co.in Intercom No. 557	- Centre for Environment Education, Ahmedabad - CPR Environmental Education Centre, Chennai - Setting up new Centres of Excellence - National Environment Awareness Campaign (NEAC) - Global Learning and Observation to Benefit the Environment (Globe) Programme - Formal Environment Education including Coordination with MHRD, NCERT and State Education Departments - Strengthening of Environment in Professional courses - Environmental Appreciation courses through IGNOU.
56	Mrs. Rita Khanna, Addl. Director (Scientific)	Tel No. 24367664 rita.khanna.2000@yahoo.com Intercom No. 176/173	- Grant of financial assistance for Seminars/Symposia/Workshops - Grant-in-aid to Professional Societies/ Institutions - Grants of financial assistance for publications on Environment - All work related to library.
57	Dr. Tashi Wangdi, Addl. Director (Scientific)	T. No. 24360806 Intercom No. 177	- Externally Aided project (Biodiversity Conservation & Rural Livelihood Improvement Project) in seven Landscapes states.
58	Dr. A. K. Tyagi, Addl. Director (Scientific)	T. No. 24367670 Intercom No. 609	- B. P. Pal Fellowship Award on Bio-diversity - Pitamber Pant Fellowship Award of Environment
59	Dr. R. K. Suri, Addl. Director (Scientific)	T. No. 24361668 rk.suri@yahoo.com.uk Intercom No. 913	Research proposals under National Natural Resource Management (NNRM)
60	Mrs. Sanchita Jindal, Addl. Director	T. No. 24360488 Intercom No. 752 sanchita@nic.in	- Strategic approach to International Chemicals Management (SAICM) - Rotterdam Convention on prior informed consent Procedure for

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61	Dr. S. V. Reddy Addl. Director	T. No. 24366764 Intercom No. 753 svreddy19502000@yahoo.com	certain Hazardous Chemicals and pesticides in International Trade - Public Liability Insurance Act - Municipal Solid Wastes (Management & Handling) Rules - Recycled Plastic (Management & Handling) Rules. - Annual Report (EI Division) - Man. and Biosphere Reserves Programme
62	Dr. M. Hota, Addl. Director	Intercom No. 914 hota@nic.in Tele No. 24367663	- Matter relating to Foundation of Revitalization of Local Health Tradition (FRLHT) - UNDP Projects on medicinal plants - Coordination on medicinal plants other Divisions of the Ministry
63	Shri Sameer Srivastava, DS (IC-II)	T. No. 24362612 sameer.ks@nic.in Intercom No. 603	International Cooperation (IC&SD II) National Museum of Natural History (NMNH)
64	Ms. Pratibha Raj, Dy. Secretary (PC and T&E)	T. No. 24366739 pratibha.raj@nic.in Intercom No. 745	Regional Offices (HQs) (including administrative matters of RO (HQ))
65	Smt. S. Ghosh Roy, Dy. Secretary	T. No. 24360772 Intercom No. 707 Saheli.ghosh@nic.in	- Environment Policy and Law & Sustainable Development (SD)-I & International Cooperation (IC)-I additional charge of Media Cell Adaptation to Climate Change (CC)
66	Smt. Rajsree Ray, Dy. Secretary	T. No. 24361233 Intercom No. 444 rajasree@nic.in	
67	Sh. Narain Dass Dy. Secretary	T. No. 24367631 Intercom No. 527 dass.narain@nic.in	General Coordination, Right to information act (RTI) & Internal Work Study unit
68	Sh. C. L. Jangain, Dy. Secretary	T. No. 24360769 Intercom No. 604	Non Governmental Organizations (NGO) Cell
69	Sh. Agrim Kaushal, Dy. Secretary	T. No. 24364642 Intercom No. 704 agrim.k@nic.in	Trade and Environment, PC Division
70	Shri Pankaj Garg, Dy. Secretary	T. No. 24360686 pankaj.garg@nic.in Intercom No. 918	General Administration (GA), Parliament and Protocol
71	Shri S. K. Jain, Dy. Secretary	T. No. 24366837 suyashjain2011@yahoo.com Intercom No. 617	NABB Administration and Development of Forest Villages
72	Shri C. D. Singh, AIGF	T. No. 24363984 cdsingh1987@rediffmail.com Ext. No. 523	Forest Conservation [Forest (Conservation) Act, 1980] Forest advisory Committee
73	SH. B. K. Singh, AIGF	T. No. 24361316 Intercom No. 525 bksingh38@hotmail.com	Forest Conservation (Maha, Orissa, MP, entire South except Goa, Punjab, Haryana, Delhi, Uttarakhand, U.P., Bihar, Assam, Nagaland, Tripura [Forest (Conservation) Act, 1980] Work related to EAP/NE Cell/CAMPA
74	Shri D. Jana, AIGF	T. No. 24362497 debasisjana2002@rediffmail.com Intercom No. 756	FDA/NAP (7 States) Haryana, Punjab, Orissa, Jharkhand, Chattisgarh, M. P., Himachal Pradesh, Policy matters related

1	2	3	4
75	Shri Rajbir Singh, AIGF	T. No. 24364981 rajbir.singh.iis@yahoo.com Intercom No. 708	to NAP, tree planting on farm lands and CEMDE, Desertification NAEB, FDA, (9 States) West Bengal, Jharkhand, Bihar, Maharashtra, Goa, Tamil Nadu, Kerala, Gujarat and Rajasthan, Greening India Scheme, Gram Van Yojana Scheme and National Afforestation and Eco-Development Board (NAEB)
76	Shri M. D. Sinha, AIGF	Intercom No. 431	Survey & Utilization, ITTO, Forestry Statistics
77	Shri Umakant, AIGF	T. No. 24363974 ukant1996@yahoo.co.in Intercom No. 717	Forest Protection Division & Joint Forest Management (JFM) Cell, LULUJCF under United Nation Framework Convention on Climate Change (UNFCCC), Non-timber Forest Produce
78	Shri Pramod Krishnan, Jt. Director	T. No. 24361795 jd-wl@nic.in Intercom No. 717	Wildlife, Convention on International Trade on Endangered Species (CITES), Project Elephant, National Parks & Sanctuaries
79	Shri S. P. Yadav, Jt. Director	T. No. 23389883 jdntca@gmail.com	All matters relating to National Tiger Conservation Authority (NTCA)
80	Dr. S. Satapathy, Jt. Director	T.No.24369629 ssatapathy- mef@nic.in Intercom No.601	Climate Change & Ozone Cell
81	Ms. Madhumita Biswas, Jt. Director	T.No.24363960 Intercom No. 750	Environment Information System (ENVIS) Centers
82	Shri Neeraj Khatri, Dy. Director	T.No.24365199 Intercom No.146 neerajkhatri@hotmail.com	- Environmental Health
83	Dr. P.S. Rawat, Dy. Director (S)	T.No.24361669 Psrawat- mef@nic.in Intercom No.502	Indira Gandhi Paryavaran Pursaskar Jawaharlal Nehru University (JNU) Chair on environmental law and some work of Environment Information System (ENVIS) Scheme

II. Officers of the level of Joint Secretary/IGF/Adviser designated as Appellate Authorities under Section 19(1) of the above Act.

S.No.	Designation	Tele. No.	Subject Matter
1	2	3	4
1	Shri Bharat Bhushan, Joint Secretary & FA	T.No.24362388 Intercom No. 437 bharatbhushan@mit.gov.in	<ul style="list-style-type: none"> - Examination and Concurrence of SPC/EFC/UCLA proposals of the Ministry. - Deputation abroad. - Release of Grants-in-aid - Financial matters of the Ministry - Remuneration received by Officers and employees.

1	2	3	4
2	Shri Rajani Ranjan Rashmi, Joint Secretary	Intercom No. 408 rr.rashmi@nic.in	- Preparation and Printing of Demands for Grants. - Submission of Action Taken Notes on Draft/Audit pars Climate Change (CC) (including CDM& UNFCCC) Vigilance, Media
3	Shri R K Vaish, Joint Secretary	T.No.24360634 vaishrk@nic.in Intercom No 415	Hazardous Substances Management Division (HSMD), National River Conservation Directorate (NRCD), National Lake Conservation Plan (NLCP), Clean Production/Clean Technology
4.	Dr. Rajneesh Dube, Joint Secretary	T.No.24363956, Intercom No. 414	Environment Policy and Law (including Legal Cell), Control of Pollution (CP) including administration of Central Pollution Control Board (CPCB)
5	Dr B. P. Nilaratna, Joint Secretary	Tel.No. 24361712 jshpn-meft@nic.in Intercom No. 422	Coral Reefs, Mangroves, Foundation of Revitalization of Local Health Tradition (FRLHT), Ozone Cell & Montreal Protocol, CES/IISc, Bangalore, Hindi (Official language)
6	Shri A.K. Goyal, Joint Secretary	Tel.No. 24361774 akg@nic.in Fax No. 24367909 [Intercom No. 440	General Administration & Parliament/Protocol, Administration & Public Grievance Redressal Cell, Establishment of Regional Offices, General Coordination, RTI & Internal Work Study Unit, Botanical Survey of India (BSI), Zoological Survey of India (ZSI), E-Governance, Salim Ali Centre for Ornithology and Natural History (SACON). Biosafety including Cartagena Protocol, Genetic Engineering Approval Committee (GEAC), Nation Biodiversity authority (NBA), National Biodiversity Strategy & Action Plan (NBSAP), Convention on Biological Diversity (CBD), Wetlands and Ramsar Convention
7.	Shri H.K. Pande, Joint Secretary	Tel.No.24362551 hempande@hotmail.com Fax No. 24360894	Administration of Indian Forest Service, Forest Establishment, IUCN- The World Conservation Union, G.B. Pant Institute of Himalayan Environment and Development (GBPHED), International Centre for Integrated Mountain Development (ICIMOD), Man and Biosphere Reserve Programme (MABP), Bio-diversity Conservation, Animal Welfare International Cooperation (IC) (excluding 'State of Environment' reports), Global Environment Facility (GEF), Sustainable Development

1	2	3	4
8	Dr. Subodh Kumar Sharma, Adviser	T. No. 24360861 subodh.kumar@nic.in Intercom No. 112	National Communications (NATCOM) IPCC (Inter-Governmental Panel on Climate Change) & all other Scientific/Technical works related to Climate Change
9	Dr. G. K. Pandey, Adviser	T. No. 24360467 pandey@menf.delhi.nic.in Intercom No. 531	Environmental Health, World Bank Industrial, Development Capacity Project, Impact Assessment relating to Thermal Power & Building Construction Sectors, Impact Assessment of Coal Mining Sector Rotterdam Convention, Strategic Approach to International Chemicals Management (SAICM), National Disaster Management Authority (NDMA), Chemical Disaster (including Hazardous Chemicals Management), Municipal Solid Waste Management, MSHIC Rules, Chemical Accident Rules and Chemical Safety, Stockholm Convention (Effective Evaluation & POPs Review Committee), Plastic Manufacture & Usage Rules, Implementation of MSW Rules, Public Liability Insurance and related court matters, Heavy metals including Mercury.
10	Shri R. Mehta, Adviser	T. No. 24362840 rmehta@nic.in Intercom No. 543	Environmental Education (including Library), Global Public Goods
11	Shri R. S. Ahlawat, Economic adviser	T. No. 24362663 rsahlawat-meff@nic.in Intercom No. 908	Plan Coordination, Economic Cell, Trade & Environment -Budget proposals & Budget Estimates -Scrutiny of budget proposals & Preparation of budget estimates, including budget proposals for supplementary grants. - Processing of Re-appropriation proposals both within the Powers of Ministry and beyond the Powers of Ministry.
12	Dr. S. P. Sharma, Statistical Adviser	T. No. 24363021 sprasad.sharma@nic.in Intercom No.103	Annual Report of the MoEF, 'State of Environment' Reports, Environmental Information (excluding Indira Gandhi Paryavaran Puraskar), Statistical Cell, NGO Cell
13	Dr. Nalini Bhatt, Adviser (Scientific)	T. No. 24360478 nalini.bhatt@nic.in Intercom No. 541	Impact Assessment relating to Industry sector, Infrastructure, River Valley, Mining Sectors and Coastal Regulation Zones (CRZ), Source Apportionment Studies and Male Declaration
14	Dr. R. B. Lal IGF	T. No. 24360740 lgbwl-meff@nic.in Intercom No. 106	Wildlife, WLR On, CITES, National Parks & Sanctuaries, WHC NZP, CZA, NBWL, CMS UNESCO, Wildlife

1	2	3	4
15	Shri K. B. Thampi, IGF	T. No. 24367404 kbthampi-mef@nic.in Intercom No. 710	NAEB, FDAs/NAP (28 states), Policy matters related to afforestation, grants-in-aid for Greening India Scheme, Ecodevelopments Schemes and other NAEB Schemes, M&E and IPVM Awards, Nodal Officer for Non-timber Forest produce. United Nations Convention to Combat Desertification (UNCCD)
16	Shri Ansar Ahmed, IGF(EAP)	T. No. 24362698 ansarahmed51@yahoo.com Intercom No. 115	Forest Conservation (FC), Regional Officers (ROs), Forestry Research and Training & Forest Policy, EAP Cell & NE Cell, Forest Conservation
17	Shri Ansar Ahmed, IGF (FC)	T. No. 24362698 ansarahmed51@yahoo.com Intercom No. 115	Externally Aided Projects (EAP), Survey and Utilization (SU) & Forest Protection Division (FPD)
18	Shri A. N. Prasad, IGF & Director (PE)	T. No. 24360957 gajendra@nic.in Intercom No. 113	Project Elephant, Wildlife Institute of India and Wildlife Crime Cell
19	Shri Rajesh Gopal, IGF & Director (PI)	T. No. 23384428 dirpt-p@nic.in	All matters relating to National Tiger Conservation Authority (NTCA)
20	Shri B. R. Sharma, Member Secretary, CZA	T. No. 23381585 cza@nic.in	Central Zoo Authority, National Zoological Park, Survey & Utilization, Forest Protection Division & JFM Cell, Forest Policy, NFAP, FIC, Forests Research & Training & NFC
21	Shri A. K. Trivedi, Chief Engineer (CCU)	T. No. 24360643 Fax 24363422 Email ceccu@nic.in Intercom No. 728	Matters concerning/pertaining to Planning and execution of the works of Ministry of Environment & Forests and its Departments, Subordinate Offices and Autonomous Institutions which are entrusted to Civil Construction Unit
22	Dr. G. V. Subrahmaniam Adviser (Scientific)	T. No. 24364594 gvs.mof@2005 @yahoo.co.in Intercom No. 548	Research in Environment (RE), Fly Ash, Ecologically sensitive areas, Assistance to Botanical Gardens, All India Coordinated Project on Capacity Building in Taxonomy (AICOPTAX), Entities of Incomparable Value Regulations, National Museum of Natural History (NMNH)
23	Sh. S. S. Gahlot, Senior Tech. Director	T. No. 24305326 gahlot@nic.in	NIC

III. All Officers in possession of information and dealing with the matters above will be de-facto PIOs.

IV. The arrangement of designating Link Officers in the Ministry will also be applicable to the Appellate Authorities/ CPIOs for dealing with matters under the RTI Act.

V. This supersedes the earlier notification No. 1/2/2007-RC dated 19th June, 2008 of this Ministry.

पोस्ट परिवहन, सड़क परिवहन एवं राजमार्ग विभाग

(सड़क परिवहन और राजमार्ग विभाग)

(सौना सड़क विकास बोर्ड)

नई दिल्ली, 21 अक्टूबर, 2007

का.आ. 2947.——वदापि केन्द्र सरकार सीमा सड़क संगठन में जिनलिखित सेवारत/ सेवानिष्ठत 'क' श्रेणी के सिविलियन अधिकारियों श्री ई मणिकम, सहायक कार्यपालक अधिकारी (सिविल) (सेवानिष्ठत) तथा श्री के आर सी राव प्रब्रह्मक, राइट्स लिमिटेड, सेलम (तमिलनाडु) को विभागीय जांच के उद्देश्य से गवाह के रूप में प्रस्तुत करना आवश्यक मानती है :-

(क) श्री के प्ल डोग्रा, अधीकक अधिकारी (सिविल) (जी ओ सं. 1585 प्ल)

(ख) श्री सी पी गुप्ता, कार्यपालक अधिकारी (सिविल) एन एफ एस जी (जी ओ सं. 1981 एफ)

(ग) श्री ई मणिकम, सहायक कार्यपालक अधिकारी (सिविल)/ (सेवानिष्ठत) (पूर्व जी ओ सं. 2697 एक्स)

2. अतः विभागीय जांच (इनकोर्समेंट ऑफ एटनडेस आफ विटनेस एण्ड प्रोडक्शन आफ डाक्यूमेंट) अधिनियम, 1972 (1972 के 18) खण्ड 4 के उपखण्ड (i) में प्रस्तु शक्तियों का उपयोग करते हुए केन्द्र सरकार एलड्यूरा श्री घसीराम, मुख्य अधिकारी (जी ओ सं. 1460 एन) को सीमा सड़क संगठन में सेवारत/सेवा निष्ठत 'क' श्रेणी अधिकारियों की जांच के संबंध में बतौर जांच अधिकारी उक्त अधिनियम के खण्ड 5 में दर्जी शक्तियों का प्रयोग करने हेतु अधिकृत करती है।

[ज. बीआरडीबी/02(169)/2005/बीई-II]

मनमोहन पिपिल, अवर सचिव

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS

(Department of Road Transport and Highways)

(Border Roads Development Board)

New Delhi, the 21st October, 2008

S.O. 2947.—Whereas the Central Government is of opinion that for the purpose of the departmental enquiry relating to the following serving/retired Group-A Officers of Border Roads Organisation it is necessary to summon Shri E. Manickam, AEE (Civ) (Retired) and Shri KRC Rao, Manager, RITES Limited, Salem (Tamil Nadu) as witnesses/call for any document from these two civilian witnesses:

- a. Shri K. L. Dogra, SE (Civ), (GO No. 1585L)
- b. Shri C. P. Gupta, EE (Civ) NFG (GO No. 1981F)
- c. Shri E. Manickam, AEE (Civ) (Retd.) (EX-GO No. 2697X)

2. NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 4 of the Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 (18 of 1972), the Central Government hereby authorizes Shri Ghasi Ram, Chief Engineer (GO No. 1460N) being the Inquiring Authority to exercise the power specified in Section 5 of the said Act in relation to the inquiry in respect of above serving/retired Group-A Officers of Border Roads Organisation.

[No. BRDB/02(169)/2005/GB-III]

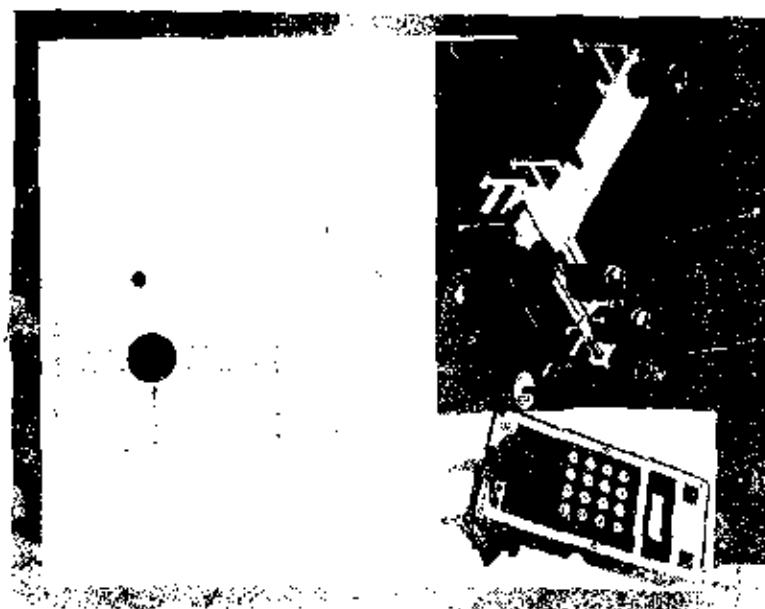
MANMOHAN PIPIL, Under Secy.

उपभोक्ता यामर्श, प्रादी (और सार्वजनिक वितरण में)
(उपभोक्ता यामर्श विभाग)

१३ जुलाई २००८

10.1101/2020.06.16.202061

डेक्ट मार्किल एक विकृत गोज प्रकार का जटा में अकेले अकेले मूचन सहित, स्वर्धानि व उच्च बोझ इंस्ट्रुमेंट (डायरेंसिक वैक स्केल) है। इसकी अधिकतम क्षमता 30 किंवद्दन से 1000 डेक्ट है और न्यूनतम क्षमता $> 1 \mu\text{N}$ है। अन्यायन मापामान अंतराल (δ) > 0.01 कि. ग्रा. है। इसमें एक आधेयत्वलन युक्ति है। इसका अंतराल व्यवकलनशक्ति धारित व्यवस्था पर प्रभाव है। लिंगिंड क्रिस्टल डिस्प्ले (एल सी डी) प्रदर्शन तालिम परिणाम दण्डनीयता करता है। इसके दृश्य 84-264 वोल्ट्स, 50 घर 600 वांगार्डी भारा विद्युत प्रदान पर कार्य करता है। संवाहक गति < 30 मीट्रिमिटर है। इसके दृश्य अपने एल विलिंग्ट के अनुरूप होता रहता है।



मंडल को भी यह नियम लागू करना चाहिए।

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

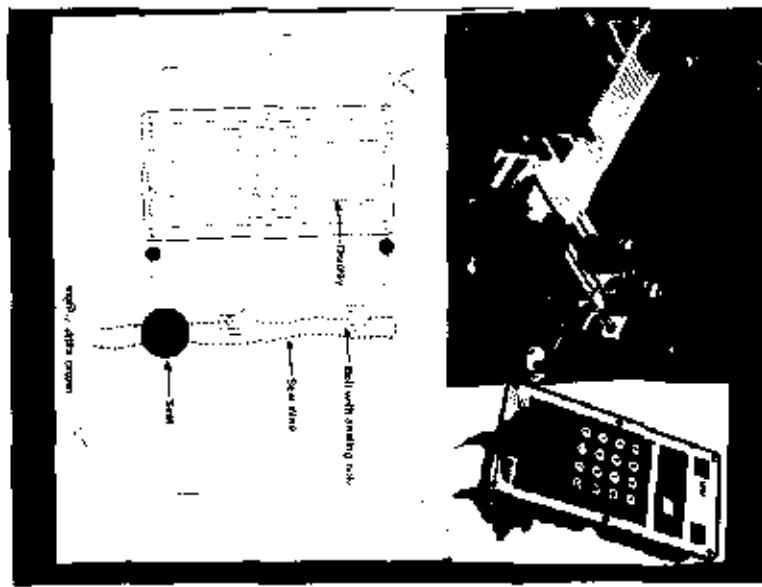
(Department of Consumer Affairs)

New Delhi, the 21st October, 2008

S.O. 2948.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the Model approval certificate issued by the Danish Accrediation and Metrology Fund, Denmark, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Catch Weighing Instrument (Dynamic Check Scale) belonging to accuracy class- Y(a) and X II (I) of 'BCS' series with brand name "KOSAN" (herein referred to as the said Model), manufactured by M/s. Kosan Crisplant A.S. P.O. Pedersensvej 22, 8200 Aarhus N, Denmark and marketed in India without any alteration before or after sale in India by M/s. Kosan Crisplant India Private Limited, "Maskan", 6-3-655/3, Civil Supplies Bhavan Lane, Somajiguda, Hyderabad- 500 082 and which is assigned the approval mark IND/09/13/235;

The said model is a strain gauge type load cell based Automatic Catch Weighing Instrument (Dynamic Check Scale) with digital indicator. Its maximum capacity in the range of 30kg. to 600kg. and minimum capacity is $> 20g$. The verification scale interval is (e) > 0.01 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing results. The instrument operates on 84—264Volts, 50 or 60Hertz alternative current power supply. Its conveyer speed is $< 30m/min$. The test has been conducted as per OIML specification.



Two bolts are provided at the top and at the bottom of the controller with a hole for sealing through lead and wire. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 30 kg. to 600kg. with maximum number of verification scale interval (n) is 3000 with 'e' value of 1×10^k , 2×10^k or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(187)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 22 अक्टूबर, 2008

का. आ. 2949.—यतः मैसर्स गैस अर्थोरिटी ऑफ इण्डिया लिमिटेड (वर्तमान में गेल (इण्डिया) लिमिटेड) द्वारा उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए दहेज—हजीरा—उरान पाइपलाइन तथा हाजीमलगवाड़ी—ट्रॉम्बे पाइपलाइन बिछाने के प्रयोजन के लिए भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचनाओं का आ.सं 0 696 तारीख 11 फरवरी, 2002, का.आ.सं 0 2060 तारीख 22 जुलाई, 2003, का.आ.सं 0 2461 तारीख 19 अगस्त 2003, का.आ.सं 0 2462 तारीख 19 अगस्त, 2003, का.आ. सं 0 813(अ) तारीख 10 जून, 2005 और का.आ.सं 0 814(अ) तारीख 10 जून, 2005 द्वारा भारत सरकार ने उक्त अधिसूचनाओं से संलग्न अधिसूचियों में विनिर्दिष्ट भूमियों के उपयोग में अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और, यतः भारत सरकार ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अन्तर्गत सम्बद्ध सक्षम प्राधिकारियों द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् और संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने हेतु चाहिए, उसमें उपयोग के अधिकार का अर्जन किए जाने का निर्णय किया था;

और, यतः, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार ने पाइपलाइन बिछाने के प्रयोजन के लिए भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं 0 3241 तारीख 6 नवम्बर, 2003, का.आ.सं 0 739 तारीख 25 जून, 2004, का.आ.सं 0 861(अ) तारीख 29 जुलाई 2004, का.आ.सं 0 153 तारीख 13 जनवरी, 2006 और का.आ.सं 0 1048 तारीख 8 मार्च 2006 के द्वारा उनसे संलग्न अधिसूचियों में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित किया था ;

और, यतः, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार ने उक्त भूमि में उपयोग का अधिकार उक्त अधिसूचनाओं के प्रकाशन की तारीख से, भारत सरकार में निहित होने की बजाए, सभी बाधाओं से मुक्त: मैसर्स गेल (इण्डिया) लिमिटेड में, निहित किया था;

और, यतः, मैसर्स रिलायन्स गैस ट्रान्सपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड (आर०जी०टी०आई०एल०), उनकी काकीनाडा—हैदराबाद—उरान—अहमदाबाद पाइपलाइन के नवी मुच्चई स्थित प्रधान नियन्त्रण केन्द्र (मास्टर कन्ट्रोल सेंटर) के साथ कनैक्शन स्थापित करने के लिए एच.डी.पी.ई. डक्ट व ऑप्टीकल फाइबर केबल (ओ.एफ.सी.) बिछा रही है;

और, यतः, उक्त एच.डी.पी.ई. डक्ट व ओ.एफ.सी. महाराष्ट्र राज्य के ठाणे व रायगढ़ जिलों में गेल की दहेज—हजीरा—उरान पाइपलाइन के साथ—साथ म्हस्कल (एस०वी० 18) से हाजीमलंगवाड़ी (एस०वी० 20) तक तथा गेल की ट्राम्बे—हाजीमलंगवाड़ी स्पर लाइन के साथ—साथ हाजीमलंगवाड़ी से म्हापे तक बिछाई जानी है;

और यतः, मै मैसर्स आर.जी.टी.आई.एल. ने इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार, जो मैसर्स गेल (इण्डिया) लिमिटेड में निहित है, को मैसर्स गेल (इण्डिया) लिमिटेड के साथ बौटने की इच्छा जताई है;

और यतः, एच.डी.पी.ई. डक्ट व ओ.एफ.सी. बिछाने हेतु मैसर्स गेल (इण्डिया) लिमिटेड ने संलग्न नियमों तथा शर्तों के आधार पर उक्त भूमि में उपयोग के अधिकार को मैसर्स आर०जी०टी०आई०एल० के साथ बौटने के लिए अपनी सहमति दे दी है;

अतः अब, उक्त अधिनियम की धारा 6 की उपधारा (4) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, जो मैसर्स गेल (इण्डिया) लिमिटेड में निहित किया गया था, इस घोषणा के प्रकाशन की तारीख से मैसर्स रिलायन्स गैस ट्रान्सपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड के द्वारा भी, संलग्न नियमों तथा शर्तों के आधार पर प्रयोग किया जायेगा।

अनुसूची

मंडळ/तहसील/तालुका : कर्ल्याण		जिला : ठाणे	राज्य: महाराष्ट्र	
गाँव का नाम	सर्वे नं./गट नं.	आर.ओ.यू. अंजित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सी-एयर
1	2	3	4	5

1) महसकल	124	00	03	00
	125	00	31	05
	123	00	40	00
	122	00	22	05
	118	00	19	50
	117	00	32	03
	114	00	27	00
	113	00	60	00
	95	00	28	03
	106	00	03	08
	108	01	38	00
	134	00	30	00
2) पोटसई	34	00	72	00
	31	00	10	05
	32	00	02	03
	30	00	02	03
	33	00	45	00
	25	00	15	05
	36	00	61	08
	37	00	38	00
	20	00	18	00
	42	00	19	01
	41	00	96	03
	50	00	03	00
	49	00	02	03
	51	00	18	08
	53	00	07	02
	57	00	12	00
	56	00	34	05
	55	00	12	00
	69	00	24	00
	70	00	04	09
	85	00	26	05
	86	00	11	09
	87	00	13	00
	84	00	06	03

1	2	3	4	5
2) घोटसई निरंतर	95	00	81	05
	167	00	22	05
	94	00	19	08
	3	00	04	05
	56P	00	12	00
	42/7	00	01	00
	51/2P	00	01	00
	28	00	28	00
	56	00	47	00
3) तथे	68	00	00	06
	67	00	25	05
	44	00	57	05
	56	00	50	00
	67	00	63	05
	57	00	06	00
	48	00	23	09
	49	00	11	05
	52	00	65	04
	51	00	15	05
	81	00	23	06
	91	00	02	02
	92	00	02	03
	96	00	48	03
	9	00	16	05
	98	00	30	00
	121	00	41	05
	120	00	00	01
	119	00	00	02
	122	00	28	05
	123	00	19	04
	132	00	35	05
	131	01	09	09
	135	00	03	00
	80/5	00	01	00
	86/6	00	06	00
	53	00	03	00
	96/P	00	17	00
4) याहोली	70	00	22	06
	68	00	63	05
	74	00	07	05
	75	00	13	05
	138	00	77	00

१	२	३	४	५
4) बाहोली निरतर	61	00	28	05
	49	00	20	05
	60	00	58	05
	59	00	13	05
	58	00	31	05
	136	00	75	05
	54	00	21	02
	55	00	05	00
	56	00	39	00
	191P	00	38	00
5) आपटी	72	00	20	03
	71	00	44	05
	70	00	11	03
	59	00	37	05
	77	00	11	03
	78	00	08	05
	67	00	36	00
	79	00	15	00
	65	00	21	00
	31	00	01	05
	40	00	57	05
	42	00	03	05
	38	00	39	00
	34	00	86	05
	80	00	24	00
	78/3 P	00	30	00
	66 P	00	01	00
	302P	00	03	00
	82P	00	15	00
	नहीं	00	51	00
	83	00	15	00
6) वसंत शेलवली		00	60	00
	114	00	41	03
	118	00	00	05
	115	00	18	08

1	2	3	4	5
6) वसंत शेलवली निरंतर	116	00	37	05
	Chok	00	22	05
	44	00	14	06
	43	00	45	04
	45	00	02	00
	59	00	27	00
	58	00	39	00
	53	00	01	05
	57	00	07	05
	55	00	28	05
	54	00	23	05
	52	00	18	05
	51	00	40	05
	50	00	37	05
	114/11P	00	03	00
	114/13/1P	00	05	00
	114/12/2P	00	05	00
	114/14P	00	01	00
	116/1P	00	07	00
	116/4P	00	06	00
	116/3P	00	03	00
	116/2P	00	27	00
	खाड़ी	00	47	00
	45/0P	00	15	00
	53/0P	00	06	00
	54/0P	00	33	00
	51/10P	00	45	00
	57P	00	08	00
7) आंधीवली	24	00	07	05
	25	00	222	05
	26	00	13	05
	21	00	37	05
	34	00	46	05
	38	00	05	03
	33	00	05	03
	39	00	06	08
	41	00	07	03
	40	00	85	03
	26P	00	17	00
	38P	00	07	00
	41P	00	65	00

1	2	3	4	5
8) जाम्बुद गोडली	65	00	43	05
	57	00	58	05
	63W	00	04	05
	58	00	25	05
	53	00	05	02
	52	00	15	00
	50	00	02	05
	37	00	48	05
	38	01	28	00
	362 P	00	05	00
	361P	00	17	00
	58P	00	40	00

भॉलक/सहस्रील/तालुका : अबरनाथ		जिला : ठाणे	राज्य: महाराष्ट्र	
गाँव का नाम	सर्वे नं./पट्टे नं.	आरओए अर्जित करने के लिए क्षेत्रफल	हेक्टेयर	एकर
1	2	3	4	5
1) खिरखलोली	132	00	21	00
	131	00	34	05
	128	00	86	05
	126	00	02	03
	127	00	15	00
	129	00	73	05
	हातो	00	07	05
	143	00	04	05
	112	00	00	02
	111	00	04	09
	5	00	40	05
	2	00	00	05
	3	00	24	00
	4	00	16	05
	13	00	43	05
	12	00	22	02
	15	00	15	00
	25	00	39	00
	28	00	18	08
	24	00	04	05
	29	00	18	08
	58	00	44	05
	57	00	30	05

1	2	3	4	5
1) चिखलोली निरंतर	56 55 54P 32/3P 32/1P 1/1P 162P 163/3P 163/1P 163/2P 157/P 147 142/6P 142/7P टी—साइन 140P 130/P 52P	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00	55 57 10 27 27 15 02 03 32 04 12 10 02 07 08 23 10 72	06 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
2) जांभीवली	28 17 21 26 23 40 43 42 38 37	01 01 00 00 00 00 00 01 00 00	15 15 16 06 30 75 48 20 69 88	05 05 05 08 00 00 00 00 05 08
3) काकलेय	सालाब 20 21 22 26	01 00 00 00 00	25 10 36 35 02	00 05 00 03 03
4) बोहोनोली	11 10	00 00	59 06	25 75

	2	3	4	5
51.00000	23	00	01	05
	22	00	46	05
	21	00	07	01
	20	00	51	05
	19	00	29	05
	18	00	53	00
	17	00	17	05
	16	00	24	05
	15	00	56	09
	14	00	51	05
	13	00	26	05
	12	00	08	08
	11	00	11	05
	10	00	51	05
	9	00	26	05
	8	00	11	09
	7	00	22	06
	6	00	59	07
	5	00	25	03
	4	00	04	03
	3	00	29	06
	2	00	56	00
	1	00	26	07
52.00000	00	18	05	
	22	00	26	05
	21	00	14	00
	20	00	11	02
	19	00	21	06
	18	00	01	
	17	00	21	
	16	00	53	
	15	00	24	
	14	00	08	
	13	00	56	
	12	00	26	
	11	00	08	
	10	00	51	
	9	00	26	
	8	00	11	
	7	00	22	
	6	00	59	
	5	00	25	
	4	00	04	
	3	00	29	
	2	00	56	
	1	00	26	
53.00000	00	17	02	
	22	00	27	00
	21	00	15	00
	20	00	14	00
	19	00	24	00

<i>f</i>	2	3	4	5
8) कुशीवली निरंतर	79/1	00	58	00
	81/3	00	53	00
	91	00	29	00
	93/1	00	26	00
	90/1P	00	16	00
	90/2	00	13	00
	90/4	00	06	00
	87/1	00	16	00
	87/2	00	09	00
	86/5	00	22	00
	86/6	00	10	00
	86/3	00	12	00
	86/1	00	09	00
	85/2	00	35	00
	85/1	00	13	00
	80/3	00	13	00
	81/4	00	23	00
9) साखरोली	19	00	55	05
	18	00	79	05
	15	00	50	03
	14	00	10	05
	10	00	41	03
	38	00	08	00
	39	01	05	00
	37	00	12	00
	38	00	15	08
	43	00	24	00
	45	00	45	00
	47	00	37	05
	23/2	00	05	00
	21/0	00	17	00
	25/0	00	01	00
	23/1	00	38	00
	27/0	00	17	00
	29/0	00	77	00
	32/4	00	16	00
	30/1	00	09	00
	नदी	00	19	00
10) वाढ़ी	27	00	09	00
	192	00	08	00
	191	00	33	00
	190	00	22	04

130 वार्षिक

11. *Conclusions*

00 : 00
00 : 00
00 : 00
00 : 00
00 : 00
00 : 00

124

1	00	1	00
2	00	1	00
3	00	1	00
4	00	1	00
5	00	1	00
6	00	1	00
7	00	1	00
8	00	1	00
9	00	1	00
10	00	1	00
11	00	1	00
12	00	1	00
13	00	1	00
14	00	1	00
15	00	1	00
16	00	1	00
17	00	1	00
18	00	1	00
19	00	1	00
20	00	1	00

1	2	3	4	5
12) नाहेन निरंतर	49/0P	00	05	00
	45/1P	00	10	00
	45/2P	00	03	00
	44/1P	00	23	00
	44/3P	00	21	00
	34/4P	00	14	00
	34/5P	00	01	00
	37/1P	00	46	00
	36/1P	00	32	00
	22/4P	00	32	00

13) मोरीचली

एम.आय.डी.सी.

द्वृष्टि

मंडळ/दलसाल/तालुका : यन्धेल		जिला : रायगढ़	राज्य: महाराष्ट्र		
गाँव का नाम	सर्व नं./गट नं.	आरओ.यू.अर्जित करने के लिए सेत्रफल			सी—एवर
		हेक्टेयर	एवर	सी—एवर	
1	2	3	4	5	6
1) नितलस	235P	00	35	00	
	236/P	00	04	00	
	235/1P	01	60	00	
	237/P	01	83	00	
	240P	00	04	00	
	245P	00	23	00	
	236/2P	00	26	00	
	247/P	00	31	00	
	250P	00	31	00	
	252P	00	35	00	
	248/2P	00	35	00	
	269P	00	30	00	
	258P	00	03	00	
	257P	00	20	00	
	261P	00	13	00	
	255P	00	12	00	
	262	00	03	00	
	260	00	21	00	
	257	00	20	00	
	261	00	37	00	
	263	00	07	00	
	264	00	24	00	
	269	00	01	00	
	271	00	20	00	

1)	नितलस	235P	00	35	00
		236/P	00	04	00
		235/1P	01	60	00
		237/P	01	83	00
		240P	00	04	00
		245P	00	23	00
		236/2P	00	26	00
		247/P	00	31	00
		250P	00	31	00
		252P	00	35	00
		248/2P	00	35	00
		269P	00	30	00
		258P	00	03	00
		257P	00	20	00
		261P	00	13	00
		255P	00	12	00
		262	00	03	00
		260	00	21	00
		257	00	20	00
		261	00	37	00
		263	00	07	00
		264	00	24	00
		269	00	01	00
		271	00	20	00

f	3	3	3	5
1) नियन्त्रक नियंत्रक	3.3	00	00	00
	2.3	00	00	00
	3.1	00	00	00
	2.1.3	00	00	00
	3.5	00	00	00
	3.6	00	00	00
	3.7	00	00	00
	3.8	00	00	00
	3.9	00	00	00
	3.10	00	00	00
	3.11	00	00	00
	3.12	00	00	00
	3.13	00	00	00
	3.14	00	00	00
	3.15	00	00	00
	3.16	00	00	00
	3.17	00	00	00
	3.18	00	00	00
	3.19	00	00	00
	3.20	00	00	00
	3.21	00	00	00
	3.22	00	00	00
	3.23	00	00	00
	3.24	00	00	00
	3.25	00	00	00
	3.26	00	00	00
	3.27	00	00	00
	3.28	00	00	00
	3.29	00	00	00
	3.30	00	00	00
	3.31	00	00	00
	3.32	00	00	00
	3.33	00	00	00
	3.34	00	00	00
	3.35	00	00	00
	3.36	00	00	00
	3.37	00	00	00
	3.38	00	00	00
	3.39	00	00	00
	3.40	00	00	00
	3.41	00	00	00
	3.42	00	00	00
	3.43	00	00	00
	3.44	00	00	00
	3.45	00	00	00
	3.46	00	00	00
	3.47	00	00	00
	3.48	00	00	00
	3.49	00	00	00
	3.50	00	00	00
	3.51	00	00	00
	3.52	00	00	00
	3.53	00	00	00
	3.54	00	00	00
	3.55	00	00	00
	3.56	00	00	00
	3.57	00	00	00
	3.58	00	00	00
	3.59	00	00	00
	3.60	00	00	00
	3.61	00	00	00
	3.62	00	00	00
	3.63	00	00	00
	3.64	00	00	00
	3.65	00	00	00
	3.66	00	00	00
	3.67	00	00	00
	3.68	00	00	00
	3.69	00	00	00
	3.70	00	00	00
	3.71	00	00	00
	3.72	00	00	00
	3.73	00	00	00
	3.74	00	00	00
	3.75	00	00	00
	3.76	00	00	00
	3.77	00	00	00
	3.78	00	00	00
	3.79	00	00	00
	3.80	00	00	00
	3.81	00	00	00
	3.82	00	00	00
	3.83	00	00	00
	3.84	00	00	00
	3.85	00	00	00
	3.86	00	00	00
	3.87	00	00	00
	3.88	00	00	00
	3.89	00	00	00
	3.90	00	00	00
	3.91	00	00	00
	3.92	00	00	00
	3.93	00	00	00
	3.94	00	00	00
	3.95	00	00	00
	3.96	00	00	00
	3.97	00	00	00
	3.98	00	00	00
	3.99	00	00	00
	3.100	00	00	00
	3.101	00	00	00
	3.102	00	00	00
	3.103	00	00	00
	3.104	00	00	00

1	2	3	4	5
1) नितलसे निरंतर	162/0	00	03	00
	157/1	00	04	00
	92P	00	09	00
	138	01	18	00
	103	00	01	00
	87	00	10	05
	85	00	18	00
	84	00	11	00
	4P	00	12	00
	2P	00	22	00

गंडल / सहस्रोल / सासुका : ठाणे		जिला : ठाणे	राज्य: महाराष्ट्र		
गीवि का नाम	सर्वे नं/गट नं	आर.ओ.यू. अधिकृत करने के लिए लेनदेन			सी-पर्कर
		हेक्टेयर	एकर	हेक्टेयर	
1	2	3	4	5	6

1) नागांव	114/1P	00	09	00
	114/2P	00	04	00
	114/3P	00	02	00
	110/2P	00	01	00
	110/3P	00	21	00
	110/4P	00	14	00
	84/1P	00	10	00
	84/2P	00	08	00
	84/3P	00	22	00
	84/4	00	07	00
	66/4P	00	01	00
	65/1P	00	13	00
	62/2P	00	02	00
	47/9P	00	14	00
	47/10P	00	02	00
	48/P	00	01	00
	31/1P	00	09	00
	31/2P	00	01	00
	29/2P	00	09	00
	29/4P	00	02	00
	28/5P	00	20	00
	28/6P	00	03	30
	28/7P	00	05	00
	8/2P	00	07	00
	8/3P	00	02	00
	10/1P	00	16	00
	10/2P	00	02	00
	11/2P	00	02	00
	11/3P	00	17	00
	11/4P	00	15	00
	11/5P	00	08	00

1	2	3	4	5
1) नागरिक स्टेल्स	नाला	00	10	00
	269P	00	03	00
	265/P	00	17	00
	264/P	00	01	00
	263/P	00	01	00
	268/P	00	08	00
2) माले				
	14/P	00	03	00
	25/3P	00	14	00
	25/5P	00	02	00
	25/6P	00	02	00
	26/1P	00	01	50
	26/2P	00	08	00
	26/3P	00	03	00
	27/2P	00	17	00
	28/7P	00	05	00
	28/8P	00	26	00
	40/1P	00	30	00
	40/2P	00	09	00
	40/4P	00	01	00
	41/2P	00	01	00
	39/P	00	05	00
	34/1P	00	13	00
	37P	00	23	00
3) भंडारती	24/1P	00	17	00
4) उत्तरशिव	117P	00	68	00
	122/4P	00	11	00
	122/5P	00	02	00
5) नारीकली	खाली	00	22	00
	154/1P	00	07	00
	154/2P	00	56	00
	140/3/1/1P	00	35	00
	140/3/1/2P	00	01	00
	141/4/1P	00	30	00
	136/8P	00	02	00
	136/7P	00	01	00
	136/6P	00	01	00
	136/10P	00	01	00
	136/4P	00	03	00
	136/9P	00	08	00
	135/4P	00	04	00

1	2	3	4	5
5) नाशीवली खेतर	135/5P	00	07	00
	135/12/P	00	07	00
	135/13/P	00	22	00
	52/2P	00	32	00
	52/5P	00	04	00
	52/4P	00	08	00
	53/2P	00	20	00
	53/3P	00	01	00
	53/4	00	01	00
	53/5P	00	18	00
	73/2P	00	26	00
	73/3P	00	15	70
	80/1P	00	03	00
	80/2P	00	01	00
	82P	00	18	00
	83/2P	00	01	00
	69/P	00	10	00
	67P	00	01	00
	66/4P	00	24	00
	66/3P	00	12	00
6) वाख़ान	25/3	00	38	00
	30P	00	12	00
	29P	00	32	00
	57P	00	13	00
7) घोटेघर	100/2P	00	19	00
	100/3P	00	01	50
	122P	00	22	00
	130/P	00	11	00
	131/4P	00	04	00
	131/6P	00	01	00
	131/5P	00	01	00
	129P	00	10	00
	127/1P	00	02	00
	126/1P	00	20	00
	125/2P	00	17	00
	138/P	00	20	00
	136/P	00	13	00
	135/P	00	02	00
	146P	00	14	00
	145/P	00	22	00
	144/P	00	44	00
	154/P	00	26	00
	155/P	00	33	00
	96/5P	00	01	00
	94/2P	00	08	00

	1	2	3	4	5
7) शोट्टर नियन्त्र	94/3P	00	09	00	
	94/4P	00	02	00	
	92/3P	00	01	00	
	92/1P	00	15	00	
	92/2P	00	21	00	
	53/P	00	01	00	
	95	00	35	00	
	66	00	05	00	
	51	00	11	00	
	52	00	20	00	
	54	00	16	00	
	58	00	39	00	
	57	00	07	00	
	सरका	00	03	00	
	41	00	02	00	
	40	00	06	00	
	42	00	20	00	
8) करवेले खुद	29/1	00	65	00	
	31/0	00	72	00	
	40/0	00	55	00	

[फा. सं. ज्ञा. 14014/25/2008-जी.पी.]

कै.कै. जर्मा, अवर सचिव

रिलायंस गैस द्रांसपोर्टशन इन्फ्रास्ट्रक्चर लिमिटेड द्वारा एच.डी.पी.ई. डक्ट और ओ.एफ.सी. विधाने हेतु गेल के प्रयोक्ता के अधिकार (आर.ओ.यू.) के उपयोग की शर्तें और निबंधन

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- एच.डी.पी.ई. डक्ट और ओ.एफ.सी. विधाने का कार्य ओ.आई.एस.डी. मानक 226 व अतराष्ट्रीय मानक-ए.एरा.एम.ई.बी. 31.8 के अनुसार होना चाहिए।
- भौजूदा आर.ओ.यू. गेल के आर.ओ.यू. गलियारे में एच.डी.पी.ई. डक्ट और ओ.एफ.सी. विधाने के लिए खोला जायेगा। सभी संभारतंत्र राहायताएं अनिवार्यतः मैसरो रिलायंस गैस द्रांसपोर्टशन इन्फ्रास्ट्रक्चर लिमिटेड (आर.जी.टी.आई.एल.) द्वारा उपलब्ध कराई जायेगी।
- एच.डी.पी.ई. डक्ट और ओ.एफ.सी. विधाने के दौरान अधिकार मार्ग में फसलों की हुई क्षति को मैसर्स आर.जी.टी.आई.एल. द्वारा बहुत किया जाना अनिवार्य होगा। आर.ओ.यू. से बाहर पत्तालों/वृक्षों/अन्य की क्षति का ध्यान रखना मैसर्स आर.जी.टी.आई.एल. के लिए अनिवार्य होगा।
- मैसरो आर.जी.टी.आई.एल. की एच.डी.पी.ई. डक्ट और ओ.एफ.सी. विधाने का कार्य पूरा होने के बाद गेल का आर.ओ.यू. पूर्ववत् सामान्य बना रहना चाहिए। और मैसर्स आर.जी.टी.आई.एल. द्वारा आर.ओ.यू. के सभी किरानों से एक अनापत्ति प्रमाण-पत्र प्राप्त विधा जायेगा।

5. आर.ओ.यू. गलियारे में एच.डी.पी.ई. डक्टर और ओ.एफ.सी. बिछाने के लिए सम्बन्धित व्याधिकारियों से आपेक्षित सांविधिक अनुमतियां मैसर्स आर.जी.टी.आई.एल. द्वारा प्राप्त की जायेगी।
6. आर.ओ.यू. में क्षतिग्रस्त हुए चारदीवारी चिन्हों को/आर.ओ.यू. चिन्हों को /हवाई चिन्हों को/सी.पी. परीक्षण केन्द्रों/पाइपलाइन से सम्बन्धित किसी अन्य सहबद्ध उपस्कर का प्रतिस्थापन अनिवार्यतः मैसर्स आर.जी.टी.आई.एल. द्वारा अपनी स्वयं की लागत पर कराया जायेगा।
7. मैसर्स आर.जी.टी.आई.एल. अपनी एच.डी.पी.ई. डक्टर और ओ.एफ.सी. अनिवार्यतः खाई हाथ से खोदकर बिछायेगी, ताकि मौजूदा पाइपलाइन को क्षति न पहुँचे। आर.ओ.यू. में कार्य करते समय उत्पाद सहित मौजूदा पाइप लाइन को हुई कोई भी क्षति/उत्पादन क्षति मैसर्स आर.जी.टी.आई.एल. द्वारा वहन की जायेगी।
8. उक्त कार्य करने के लिए मैसर्स आर.जी.टी.आई.एल. द्वारा गेल के संबंधित अधिकारी से आवश्यक अनुमतियां प्राप्त की जायेंगी। अनुमति—पत्र का नवीनीकरण गेल के स्थल कार्यालय द्वारा यथानिवेशित अनिवार्यतः किया जाएगा।
9. कार्य, गेल के इंजीनियर और गेल के नामनिर्दिष्ट सुरक्षा अधिकारी की उपस्थिति में किया जाना चाहिए जिसके लिए यथा लागू पर्यवेक्षण प्राभार अनिवार्यतः गेल द्वारा संसूचित किए जाएंगे और मैसर्स आर.जी.टी.आई.एल. द्वारा संदेय होंगे।
10. मैसर्स आर.जी.टी.आई.एल. द्वारा एच.डी.पी.ई. डक्टर और ओ.एफ.सी. बिछाए जाते समय सुरक्षा परमिट के साथ आर.ओ.यू. में भारी उपस्करों की आवाजाही प्रतिबंधित है।
11. मैसर्स आर.जी.टी.आई.एल. आर.ओ.यू. के रखरखाव में होने वाली लागत और गेल के आर.ओ.यू. का उपयोग करने हेतु लागत के रूप में गेल को वार्षिक आधार पर वार्षिक पटटा धनराशि का भुगतान करेगी, जिसकी संसूचना गेल द्वारा मैसर्स आर.जी.टी.आई.एल. को वार्षिक आधार पर दी जाएगी।
12. क्षेत्र में कर्य के आरम्भ होने से पहले मैसर्स आर.जी.टी.आई.एल. द्वारा अपेक्षित आर.ओ.यू. के समकक्षों (को—आर्डीनेट्स) का सत्यापन गेल के स्थल कार्यालय द्वारा किया जायेगा।
13. मैसर्स आर.जी.टी.आई.एल. अपनी एच.डी.पी.ई. डक्टर और ओ.एफ.सी. गेल की पाइपलाइन से ओ.आई.एस.डी. मानकों के अनुरूप उचित दूरी पर कराई जायेगी।
14. भविष्य में यदि मैसर्स आर.जी.टी.आई.एल. गेल के आर.ओ.यू. गलियारे के भीतर अपने ओ.एफ.सी. डक्टर तन्त्र में कोई अनुरक्षण कार्य करने के लिए आर.ओ.यू. को पुनः खोलना चाहती हो, तो वे अनुमति के लिए गेल से औपचारिक रूप से सम्पर्क करेंगे तथा गेल द्वारा मैसर्स आर.जी.टी.आई.एल. को सभी लागू प्रक्रियाओं, लागत यिपक्षाओं (इम्प्लिकेशन्स) अनुमति और अन्य शर्तों एवं निबंधनों की संसूचना दी जाएगी, जो मैसर्स आर.जी.टी.आई.एल. के लिए अनिवार्यतः बाध्यकर होगी।
15. आर.जी.टी.आई.एल. अपनी ओ.एफ.सी. के अनुरेखण के लिए पर्याप्त उपयुक्त रूट चिन्हक, अधिक आकर्षित इलेक्ट्रॉनिक चिन्हक, स्थापित करेगी।

Ministry of Petroleum and Natural Gas

New Delhi, the 22nd October, 2008

S. O. 2949.—Whereas by notifications of Government of India in Ministry of Petroleum Natural Gas SO No.696 dated 11th February, 2002, SO No.2060 dated 22nd July, 2003, SO No.2461 dated 19th August, 2003, SO No. 2462 dated 19th August, 2003 SO No.813(E) dated 10th June, 2005 and SO No. 814(E) dated 10th June, 2005, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedules appended to those notifications for the purpose of laying the Dahaj-Hazira-Uran Pipeline and Hazimalangwadi-Trombay Pipeline by M/s Gas Authority of India Limited (now GAIL (India) Limited) for transportation of natural gas to consumers in various parts of the country;

And whereas, Government of India, after considering the reports submitted by the respective Competent Authorities under sub-section (1) of Section 6 of the said Act, and on being satisfied that the said land was required for laying the pipelines, decided to acquire the Right of User therein;

And whereas, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India declared acquisition of the Right of User in the land, specified in the Schedules appended to those notifications, for laying the pipeline, vide notifications of Government of India in Ministry of Petroleum and Natural Gas SO No. 3241 dated 6th November, 2003, SO No. 739 dated 25th June, 2004, SO No.861(E) dated 29th July, 2004, SO No.153 dated 13th January, 2006 and SO No.1048 dated 8th March, 2006;

And whereas, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India declared vesting the Right of User in the said lands for laying the pipelines in M/s GAIL (India) Limited, instead of Government of India, free from all encumbrances on the date of publication of that declaration;

And whereas, M/s Reliance Gas Transportation Infrastructure Limited (RGTIL) is laying HDPE Duct and Optic Fibre Cable (OFC) for establishing connection with Navi Mumbai based – Master Control Centre of its Kakinada-Hyderabad-Uran-Ahmedabad pipeline;

And whereas, the HDPE Duct and OFC is to be laid along GAIL's Dahej-Hazira-Uran gas pipeline from Mhaskal (SV18) to Hazimalangwadi (SV20) and along GAIL's Trombay-Hazimalangwadi spur line from Hazimalangwadi to Mahape under Districts Thane and Raigad in Maharashtra State;

And whereas, M/s RGTIL intends to share with M/s GAIL (India) Limited the Right of User in land, described in the schedule appended to this notification, which has been earlier vested in M/s GAIL (India) Limited as mentioned above;

And whereas, M/s GAIL (India) Limited have consented to the sharing of the Right of User in the said lands with M/s RGTIL for laying HDPE Duct and OFC on terms and conditions annexed herewith;

Now, therefore, in exercise of powers conferred under sub-section (4) of Section 6 of the said Act, the Government of India directs that the Right of User in the said lands, vested earlier in M/s GAIL (India) Limited, would also be used by M/s Reliance Gas Transportation Infrastructure Limited, from the date of publication of this declaration, on the terms and conditions annexed herewith.

Schedule

Mandal/Tehsil/Taluka: Kalyan		District: Thane	State : Maharashtra		
Village	Survey/ Sub-division No.	Area to be acquired for RoU			
1	2	Hectare	Are	C-Are	
1) Mhaskal					
	124	00	03	00	
	125	00	31	05	
	123	00	40	00	
	122	00	22	05	
	118	00	19	50	
	117	00	32	03	
	114	00	27	00	
	113	00	60	00	
	95	00	28	03	
	106	00	03	08	
	106	01	38	00	
	134	00	30	00	
2) Ghaotasai					
	34	00	72	00	
	31	00	10	05	
	32	00	02	03	
	30	00	02	03	
	33	00	45	00	
	25	00	16	05	
	36	01	61	08	
	37	00	38	00	
	20	00	18	00	
	42	00	19	01	
	41	00	96	30	
	50	00	03	00	
	49	00	02	03	
	51	00	16	08	
	53	00	07	02	
	57	00	12	00	
	56	00	34	05	
	55	00	12	00	
	69	00	24	00	
	70	00	04	09	

1	2	3	4	5
2) Gehatasavai (contd.—)				
86	00	11	09	
87	00	13	00	
84	00	06	03	
95	00	81	05	
167	00	22	05	
94	00	19	09	
3	00	04	05	
56P	00	12	00	
42/7	00	01	00	
51/2P	00	01	00	
28	00	28	00	
56	00	47	00	
3) Rayte				
68	00	00	06	
67	00	25	05	
44	00	57	05	
58	00	50	00	
67	00	63	05	
57	00	06	00	
48	00	23	09	
49	00	11	05	
52	00	65	04	
51	00	15	05	
81	00	23	06	
91	00	02	02	
92	00	02	03	
96	00	48	05	
9	00	16	05	
98	00	30	00	
121	00	41	05	
120	00	00	01	
119	00	00	02	
122	00	28	05	
123	00	19	04	
132	00	35	05	
131	01	09	09	
135	00	03	00	
80/5	00	01	00	
86/6	00	06	00	
53	00	03	00	
99/P	00	17	00	
4) Vaholi				
70	00	22	05	
68	00	63	05	
74	00	07	05	
75	00	13	05	
136	00	77	00	
61	00	28	05	
49	00	20	08	
60	00	58	08	
59	00	13	08	
58	00	31	05	
136	00	75	06	
54	00	21	02	
55	00	05	00	
56	00	39	00	
191P	00	38	00	

	१	२	३	४	५
5) Aapti					
	72	00	20	03	
	71	00	44	03	
	70	00	11	03	
	69	00	37	05	
	77	00	11	03	
	76	00	06	05	
5) Aapti Cont..					
	67	00	36	00	
	79	00	15	00	
	65	00	21	00	
	31	00	01	05	
	40	00	57	05	
	42	00	03	08	
	38	00	39	00	
	34	00	86	05	
	80	00	24	00	
	78/3 P	00	30	00	
	86 P	00	01	00	
	302P	00	03	00	
	82P	00	15	00	
	River	00	51	00	
	83	00	15	00	
6) Vasant Shelot					
	River	00	60	00	
	114	00	41	03	
	118	00	00	05	
	115	00	18	08	
	116	00	37	05	
	Crick	00	22	05	
	44	00	14	06	
	43	00	45	04	
	45	00	02	00	
	59	00	27	00	
	58	00	39	00	
	53	00	01	05	
	57	00	07	05	
	55	00	28	05	
	54	00	23	06	
	52	00	16	05	
	51	00	40	05	
	50	00	37	05	
	114/11P	00	03	00	
	114/13/1P	00	05	00	
	114/12/2P	00	05	00	
	114/14P	00	01	00	
	116/1P	00	07	00	
	116/4P	00	06	00	
	116/3P	00	03	00	
	116/2P	00	27	00	
	Crick	00	47	00	
	45/0P	00	15	00	
	53/0P	00	06	00	
	54/0P	00	33	00	
	51/10P	00	45	00	
	57P	00	08	00	

1	2	3	4	5
7) Ambivali				
	24	00	07	05
	25	00	222	05
	26	00	13	05
	21	00	37	05
	34	00	46	05
	38	00	05	03
	33	00	05	03
	39	00	06	08
	41	00	07	03
	40	00	65	03
	26P	00	17	00
	38P	00	07	00
	41P	00	65	00
8) Jambhal Mohali				
	55	00	43	05
	57	00	58	05
	Road	00	04	05
	58	00	25	05
	53	00	85	02
	51	00	15	00
	50	00	02	05
	37	00	48	05
	38	01	28	00
	362 P	00	05	00
	361P	00	17	00
	58P	00	40	00

Mandal/Tehsil/Taluka: Ambernath		District: Thane	State : Maharashtra	
Village	Survey/ Sub-division No.	Area to be acquired for R&U	Hectare	Are
1	2	3	4	5
1) Chikholi				
	132	00	21	00
	131	00	34	05
	128	00	86	05
	126	00	02	03
	127	00	15	00
	129	00	73	05
	Road	00	07	05
	143	00	04	05
	112	00	06	02
	11	00	04	09
	9	00	40	05
	11	00	30	05
	6	00	24	00
	13	00	10	05
	11	00	43	05
	11	00	22	02
	11	00	45	00
	11	00	38	00
	11	00	18	08
	16	00	34	05
	29	00	18	08
	58	00	44	05
	57	00	30	05
	56	00	55	05
	55	00	57	00

1	2	3	4	5
1) Chikhali contd.				
	54P	00	10	00
	32/3P	00	27	00
	32/1P	00	27	00
	1/1P	00	15	00
	162P	00	02	00
	163/3P	00	03	00
	163/1P	00	32	00
	163/2P	00	04	00
	157/P	00	12	00
	147	00	10	00
	142/8P	00	02	00
	142/7P	00	07	00
	T Line	00	08	00
	140P	00	23	00
	130/P	00	10	00
	52P	00	72	00
2) Jambhivali				
	28	01	15	05
	17	01	15	05
	21	00	16	05
	25	00	06	08
	23	00	30	00
	40	00	75	00
	43	00	48	00
	42	01	20	00
	38	00	6	05
	37	00	88	08
3) Kakley				
	Lake	01	25	00
	20	00	10	05
	21	00	36	00
	22	00	35	03
	26	00	02	03
4) Bohonoli				
	11	00	59	25
	10	00	06	75
5) Shiravali				
	28	00	01	05
	31	00	46	05
	20	00	02	01
	29	00	01	05
	36	00	29	05
	52	00	03	00
	53	00	10	05
	51	00	22	05
	49	00	48	09
	48	00	01	05
	41	00	29	05

	2	3	4	5
6) Ambie	28	00	06	06
	27	00	04	06
	26	00	33	05
	25	00	04	09
	34	00	33	05
	23	00	03	08
	21	00	26	05
	16	00	21	09
	17	00	27	06
	19	00	10	07
	12	00	05	03
	2	00	14	03
	3	00	31	06
	4	00	26	00
	1	00	08	07
G-P-L	00	18	05	
	71	00	38	05
	60	00	14	00
	78	00	11	02
	75	00	71	06
7) Kharad	22	00	37	05
	23	00	03	00
	24	00	21	00
	25	00	39	00
	26	00	28	05
	27	00	93	05
8) Kushivali	82	01	01	02
	80/2	00	13	00
	103	00	05	00
	68	00	01	00
	79/1	00	56	00
	81/3	00	53	00
	91	00	29	00
	93/1	00	26	00
	90/1P	00	16	00
	90/2	00	13	00
	90/4	00	06	00
	87/1	00	16	00
	87/2	00	09	00
	86/5	00	22	00
	86/6	00	10	00
	86/3	00	12	00
	86/1	00	09	00
	85/2	00	35	00
	85/1	00	13	00
	80/3	00	13	00
	81/4	00	23	00
9) Sakhroli	19	00	55	05
	18	00	79	05

	2	3	4	5
9) Salkhroll Cont..	15	00	50	03
	14	00	10	05
	10	00	41	03
	36	00	06	00
	39	01	05	00
	37	00	12	00
	38	00	15	08
	43	00	24	00
	45	00	45	00
	47	00	37	05
	.23/2	00	05	00
	21/0	00	17	00
	25/0	00	01	00
	.23/1	00	36	00
	27/0	00	17	00
	29/0	00	77	00
	32/4	00	16	00
	.30/1	00	09	00
River	00	19	00	
10) Wadi	27	00	09	00
	192	00	08	00
	191	00	33	00
	190	00	22	04
	188	00	22	02
	187	00	04	01
	186	00	53	03
	211	00	05	05
	210	00	21	00
	185	00	02	03
	Road	00	06	00
	144	00	11	03
	21/1P	00	45	00
	Nala	00	10	00
	187 P	00	10	00
	.22/1P	00	20	00
	.23/P	00	04	00
	193/P	00	33	00
	18/3P	00	31	00
	194/P	00	15	00
	197	00	26	00
	25/P	00	02	00
	26/P	00	05	00
	21/1P	00	15	00
	21/4P	00	02	00
11) Usatne	41P	00	05	00
	42P	00	23	00
	195P	00	02	00
	45	00	49	00
	46P	00	06	00
	67P	00	12	00

1	2	3	4	5
12) Narhen	92/1P			
	91/1P	00	22	00
	87/5	00	42	00
	86/3P	00	04	00
	86/4P	00	47	00
	78/1P	00	05	00
	78/2P	00	18	00
	78/4P	.00	04	00
	77/3P	00	13	00
	48/1P	00	01	00
	48/2P	00	11	00
	48/3P	00	10	00
	48/4P	00	61	00
	49/0P	00	05	00
	45/1P	00	10	00
	45/2P	00	03	00
	44/1P	00	23	00
	44/3P	00	21	00
	34/4P	00	14	00
	34/5P	00	01	00
	37/1P	00	46	00
	36/1P	00	32	00
	22/4P	00	32	00

13) Morivali M I O C
land

Mandal/Tehsil/Taluka: Panvel		District: Raigad	State : Maharashtra		
Village	Survey/ Sub-division No.	Area to be acquired for R+U			
1	2	Hectare	Are	C-Are	
1) Nitalas	235P	00	35	00	
	236/P	00	04	00	
	235/1P	01	60	00	
	237/P	01	83	00	
	240P	00	04	00	
	245P	00	23	00	
	236/2P	00	26	00	
	247/P	00	31	00	
	250P	00	31	00	
	252P	00	35	00	
	248/2P	00	35	00	
	269P	00	30	00	
	258P	00	03	00	
	257P	00	20	00	
	261P	00	13	00	
	255P	00	12	00	
	262	00	03	00	
	260	00	21	00	

	2	3	4	5
1) Nitras Cont.				
	257	00	20	00
	261	00	37	00
	263	00	07	00
	264	00	24	00
	268	00	01	00
	271	00	20	00
	273	00	09	00
	272	00	01	00
	274	00	02	00
	275	00	12	00
	36	00	06	00
	38	00	01	00
	39/5	00	04	00
	39/4	00	14	00
	43	00	18	00
	40	00	38	00
	35/10	00	10	00
	35/11	00	09	00
	39/4	00	14	00
	39/5	00	04	00
	43	00	18	00
	40	00	38	00
	35/10	00	10	00
	35/11	00	09	00
	48	00	22	00
	206	00	08	00
	58	00	34	00
	55	00	07	00
	53/5	00	14	00
	54	00	27	00
	77/1	00	06	00
	78	00	29	00
	455	00	02	00
	59/5	00	05	00
	59/6	00	03	00
	59/7	00	08	00
	59/4	00	02	00
	74/1	00	02	00
	72/1	00	06	00
	69/1	00	08	00
	69/2	00	02	00
	71	00	21	00
	70	00	16	00
	171	00	11	00
	170	00	21	00
	169	00	09	00
	163/6	00	07	00
	163/7	00	01	00
	163/5	00	01	00
	163/2	00	27	00
	163/3	00	23	00
	163/4	00	23	00
	162/0	00	03	00

	1	2	3	4	5
1) Nitalas Cont..	157/1	00	04	00	
	92P	00	09	00	
	138	01	18	00	
	103	00	01	00	
	87	00	10	05	
	85	00	18	00	
	84	00	11	00	
	4P	00	12	00	
	2P	00	22	00	

Mandal/Tehsil/Taluka: Thane		District: Thane	State : Maharashtra		
Village	Survey/ Sub-division No.	Area to be acquired for R+J			
1	2	Hectare	Are	C-Are	5

1) Nagaon	114/1P	00	09	00	
	114/2P	00	04	00	
	114/3P	00	02	00	
	110/2P	00	01	00	
	110/3P	00	21	00	
	110/4P	00	14	00	
	84/1P	00	10	00	
	84/2P	00	06	00	
	84/3P	00	22	00	
	84/4	00	07	60	
	66/4P	00	01	00	
	65/1P	00	13	00	
	62/2P	00	02	00	
	47/9P	00	14	00	
	47/10P	00	02	00	
	48/P	00	01	00	
	31/1P	00	09	00	
	31/2P	00	01	00	
	29/2P	00	09	00	
	29/4P	00	02	00	
	28/5P	00	20	00	
	28/6P	00	03	30	
	28/7P	00	05	00	
	8/2P	00	07	00	
	8/3P	00	02	00	
	10/1P	00	16	00	
	10/2P	00	02	00	
	11/2P	00	02	00	
	11/3P	00	17	00	
	11/4P	00	15	00	
	11/5P	00	08	00	
	Nala	00	10	00	
	269P	00	03	00	
	265/P	00	17	00	
	264/P	00	01	00	
	263/P	00	01	00	
	268/P	00	08	00	

1	2	3	4	5
2) Balhe				
	14/P	00	03	00
	25/3P	00	14	00
	25/5P	00	02	00
	25/6P	00	02	00
	26/1P	00	01	50
	26/2P	00	08	00
	26/3P	00	03	00
	27/2P	00	17	00
	28/7P	00	05	00
	28/8P	00	26	00
	40/1P	00	30	00
	40/2P	00	09	00
	40/4P	00	01	00
	41/2P	00	01	00
	39/P	00	05	00
	34/1P	00	13	00
	37P	00	23	00
3) Bhendarli	24/1P	00	17	00
4) Uttarshiv	117P	00	68	00
	122/4P	00	11	00
	122/5P	00	02	00
5) Narivali	Crick	00	22	00
	164/1P	00	07	00
	164/2P	00	56	00
	140/3/1/1P	00	35	00
	140/3/1/2P	00	01	00
	141/4/1P	00	30	00
	136/6P	00	02	00
	136/7P	00	01	00
	136/6P	00	01	00
	136/10P	00	01	00
	136/4P	00	03	00
	136/9P	00	08	00
	135/4P	00	04	00
	135/5P	00	07	00
	135/12/P	00	07	00
	135/13P	00	22	00
	52/2P	00	32	00
	52/5P	00	04	00
	52/4P	00	08	00
	53/2P	00	20	00
	53/3P	00	01	00
	53/4	00	01	00
	53/5P	00	16	00
	73/2P	00	28	00
	73/3P	00	15	70
	80/1P	00	03	00
	80/2P	00	01	00

<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
5) Narivali Cont.				
	22/P	00	16	00
	33/2P	00	01	00
	59/P	00	10	00
	67/P	00	01	00
	68/4P	00	24	00
	68/3P	00	12	00
6) Vaklan				
	15/3	00	38	00
	30/2	00	12	00
	23/2	00	32	00
	57/P	00	13	00
7) Goteghar				
	148/2P	00	19	00
	100/3P	00	01	50
	12/2P	00	22	00
	130/P	00	11	00
	131/4P	00	04	00
	131/6P	00	01	00
	131/5P	00	01	00
	129/P	00	10	00
	127/1P	00	02	00
	128/1P	00	20	00
	125/2P	00	17	00
	138/P	00	20	00
	136	00	13	00
	136	00	02	00
	146/P	00	14	00
	145/P	00	22	00
	146/9	00	44	00
	154/P	00	26	00
	155/7	00	33	00
	96/4P	00	01	00
	94/2P	00	08	00
	94/3P	00	09	00
	94/4P	00	02	00
	92/5P	00	01	00
	92/10	00	15	00
	92/2P	00	21	00
	53/P	00	01	00
	61	00	35	00
	68	00	05	00
	51	00	11	00
	52	00	20	00
	54	00	16	00
	66	00	39	00
	53	00	07	00
	Road	00	03	00
	41	00	02	00
	40	00	06	00
	42	00	20	00
8) Karavale Khurd				
	29/1	00	65	00
	31/0	00	72	00
	40/0	00	65	00

Terms and Conditions for utilization of GAIL's RoU by M/s RGTL for laying HDPE Duct and Optical Fiber Cable (OFC)

.....

1. Laying of HDPE Duct and OFC should conform to OISD Standards 226 and International Standard ASME B-31.8
2. The existing RoU will be opened for laying HDPE Duct and OFC in GAIL's RoU corridor wherever required. All logistic support will be provided by M/s RGTL.
3. Crop damaged in the Right of Way during the laying of HDPE Duct and OFC must be borne by M/s RGTL. Crop/tree/other damages occurred outside RoU shall be taken care of by M/s RGTL.
4. After completing the laying work of RGTL's HDPE Duct and OFC, GAIL's RoU should be returned to normalcy and No Objection Certificate would be obtained from all the farmers along the RoU by M/s RGTL
5. Statutory permission required from the concerned authority would be obtained by M/s RGTL for laying their HDPE Duct and OFC along the common RoU corridor.
6. Boundary markers/RoU markers/Aerial markers/CP test stations/any other associated equipment related to pipeline damaged along the RoU shall be replaced by M/s RGTL at their own cost.
7. M/s RGTL shall lay their HDPE Duct and OFC by carrying out trenching manually so as to protect the existing pipeline. Any damages to the existing pipeline including the product/production loss would be borne by M/s RGTL while carrying out work in RoU section of pipeline.
8. Necessary permits would be obtained by M/s RGTL from the concerned officer of GAIL for carrying out the work. Permit would be renewed as directed by GAIL site without failure.
9. The job should be carried out in the presence of GAIL engineer and GAIL's designated Safety Officer, for which supervision charges, as applicable, shall be intimated by GAIL and would be payable by M/s RGTL.
10. Heavy equipment movement with Safety Permit, is restricted along the RoU, while laying HDPE Duct and OFC by M/s RGTL.
11. M/s RGTL would pay an annual lease amount to GAIL on yearly basis towards cost involved in RoU maintenance as well as for utilizing GAIL's RoU, which will be intimated by GAIL to M/s RGTL on annual basis.
12. The coordinates of RoU required by M/s RGTL will be verified by GAIL's site Officer before commencement of job at field.

13. M/s RGTIL will lay their HDPE Duct and OFC at safe distance from GAIL's pipelines per OISD standards.
 14. It is understood M/s RGTIL shall not reopen the RoU or carrying out any construction work jobs in place HDPE Duct and OFC system within GAIL's RoU area unless they will formally approach GAIL for permission and all applicable terms and conditions, cost implications, commission and other terms and conditions shall be conveyed to M/s RGTIL by GAIL which shall be binding M/s RGTIL.
 15. GAIL will install safety devices on meterable electronic meters, in adequate numbers covering its Gas

१००९१३ अक्टूबर, २००९

विद्यम और खनिज पाइपलाइन (भूमि में उपयोग के अद्वितीय लाभों का एक उपयोग है) वाली भूमि की लगधारा (1) के लिए जारी की गई भारत सरकार द्वारा 1993 से ही भौतिक प्रबंधन का नियमाला विभाग की अधिसूचना दस्ता का आ. 1293 तारीख 5 जून 2008 को प्रभाग के द्वारा दस्ता का गाँड़ थी, द्वारा उस अधिनियम की विधायिका अनुसूची के अन्तर्गत भूमि में मायप्रदेश वा वा वीना संरक्षण ये शर्तों के अंतर्गत दस्ता का दस्तावेज़ के परिवहन के लिए वीना-कोटा पाइपलाइन पाइपलाइन से भौतिक विधायिका के अध्यने आशय को विचारने के पूर्वान्तर विधायिका दस्ता की थी :

आपको इस विभिन्नता के लिए बहुत खुशी करता है। आप को तारीख 2 मई, 2008 को उपलब्ध कराया जाएगा।

अंग्रेजों की विजयी तरह उन्होंने अपनी जाति को भी पारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को भी अपनी विजयीता दी दी है।

और उनके लिए कार ने यहां विभिन्न सेवाएँ करने के पश्चात् उनका सम्मान हो जाने पर उन्हें यात्राकारी बदला जाता है। इसके अवधित हैं, उससे ज्यादा का अधिकार करने के लिए विधि है।

अतः नियम 6 की उपधारा 1, वास पद्धति शक्तियों का प्रयोग अनुचित है। जिसके संलग्न गुम्बज में विनिर्दिष्ट भूमि गोंडा के लिए उपयोग किया जाता है।

आंतरिक विद्यालयों की अधिकतम उपलब्धि तारीखों के बीच से एक ही दिन अपने उपधारा (4) द्वारा प्रदत्त शवितर्यों का प्रथम कार्य अधिकारी भी है। इस दिन उपर्योग का अधिकार उन संघणों के प्रकाशन की तारीख से अधिक समयावधि में लिना चाहिए। इस वज़ाए, सभी विल्लंगमों के अन्तर्गत भारत पेट्रोलियन कारखानों की अधिकारी द्वारा

अनुसूची

राजसील : मुंगादली

ज़िला : अशोक नगर

राज्य : मध्य प्रदेश

क्र.सं.	ग्राम का नाम	सर्वे नंबर	लेट्रफल हेक्टेयर में
1	2	3	4
1	महाराज खेड़ी	12	0.3986
2	पिपरिया मल्हारगण	129	0.0150
		37	0.2340
3	किरमिचीखेड़ी	7	0.4615
4	मढावल	40	0.6565
		76	0.6825
		82	0.6240
5	नरखेड़ा	359	0.6800
6	पिरापुर	106	0.1750
7	सोपरा	7	1.0700
		12	0.5200
8	सुमेर	81	0.4220
9	आगर बमूरिया	61	0.8290
10	अमोदा	41	0.2900
		42	0.4450
		52	0.2200
		51	0.6815
		58	0.4745

क्र.सं.	ग्राम का नाम	सर्व नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
11	मध्यनग	120	1.3800
12	पुलेंदो	175	0.3705
13	बेलडे	54	1.2300

[पं. स. अर-31015/5/2008-ओ.आर II]

ए. गोस्यामी, अवर सचिव

New Delhi, the 23rd October, 2008

S.O. 2950.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No.1293, dated the 5th June, 2008, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 7th June, 2008, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying a pipeline for transportation of petroleum products through Bina-Kota Pipeline Project from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 2nd Sept, 2008:

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government:

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein :

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : MUNGAWALI DISTRICT : ASHOK NAGAR STATE : MADHYA PRADESH

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	MAHARAJKHEDI	12	0.3986
2	PIPARIYA MALKARGAN	129	0.0150
		37	0.2340
3	KIRMICHIKHEDI	7	0.4615
4	MADHHAWAL	40	0.6565
		76	0.6825
		82	0.6240
5	NARKHEDA	359	0.6800
6	MIRJAPUR	106	0.1750
7	SOPRA	7	1.0700
		12	0.5200
8	SUMER	81	0.4220
9	JHAGAR BAMURIYA	61	0.8290
10	AMODA	41	0.2900
		42	0.4450
		52	0.2200
		51	0.6815
11	MATHANA	58	0.4745
		120	1.3800
12	PHULEDI	175	0.3705
13	BELAI	54	1.2300

दिल्ली, 23 अक्टूबर, 2008

का. आ. 2951.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि पर उपधारा की अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात भूमि अधिनियम कहा गया है) की घारा 3 की उपधारा (1) के अंतर्गत जोड़ी दी गई थी। सरकार के पेट्रोलियम और प्राकृतिक गैस भवालय की अधिसूचना राज्यों का, जो 05 जून 2008, जो भारत के राजपत्र अंतिम 7 जून, 2008 में प्रकाशित हो गई थी। आज इस अधिसूचना से संलग्न अनुसूची में दिल्लीलैंग भूमि में मध्यप्रदेश राज्य से भी एक संख्यावली का राजस्थान राज्य में कोटा तक पेट्रोलियम लापादी के परिवहन के लिए अनुसूचित कराया गया था। इसका नाम दिल्लीलैंग परियोजना के भाष्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा दिया गया था। इसका नाम दिल्लीलैंग प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की विवरण दी गई।

और उक्त राजपत्र अधिसूचना वी प्रतिमा द्वारा को तारीख 27 अगस्त, 2008 को प्रकाशित हो गई थी। और सक्षम पायिकारी ने, उक्त अधिनियम की घारा 6 की उपधारा (1) के अंतर्गत केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विवार करने के पश्चात, अपने अधिकार की ओर पर कि उक्त भूमि पाइपलाइन बिलाने के लिए अपेक्षित है, उसमें उपरोक्त विल्लंगमें इसका कठान करने का विनियोग किया है।

अतः अब, केन्द्रीय सरकार, उक्त अंतिमिति घारा 6 की उपधारा (1) के अंतर्गत केन्द्रीय सरकार द्वारा दिल्लीलैंग प्रयोग करते हुए यह घोषणा करती है कि उक्त अधिसूचना से संलग्न एक विल्लंगमें पाइपलाइन बिलाने के लिए उपयोग के लियकार का अर्जन किया जाए।

और केन्द्रीय सरकार उक्त अधिनियम की घारा 6 की उपधारा (4) द्वारा दिल्लीलैंग करते हुए यह नियंत्रण देती है कि उक्त युक्ति एक लापादी का अधिकार इस राज्य के प्रबन्धन की तारीख को केन्द्रीय सरकार में निहित होते ही बनाए, सभी विल्लंगमें इसका उपयोग कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

पहसूल : बीना		विद्या : सागर	राज्य : छ. देश
क्र.सं.	ग्राम का नाम	सर्वे नंबर	शोधित तैयारी में
1	आगारौद	1222/1348	१०३५६
		522	१०३५७
		523	१०३५८
		527	१०३५९
		528	१०३६०
		529	१०३६१
		532	१०३६२
2	पुरेना	371	१०३६३

[प्र.म. लम्बा : दिल्लीलैंग राज्य
प्र.म. लम्बा : दिल्लीलैंग राज्य]

New Delhi, the 23rd October, 2008.

S. O. 2951.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No.1292, dated the 5th June, 2008, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 7th June, 2008, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying a pipeline for transportation of petroleum products through Bina-Kota Pipeline Project from Bina terminal in the State of Madhya Pradesh to Kota in the State of Rajasthan by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 27th Aug, 2008;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : BINA DISTRICT : SAGAR STATE : MADHYA PRADESH

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1	AAGASAUD	1222/1348 522 523 527 528 529 532	0.0216 0.9700 0.0540 0.0250 0.3240 0.0600 0.2520
2	PURAINA	371	0.2376

[No. R-31015/6/2008-O.R.-III]
A. GOSWAMI, Under Secy.

AND

The Assistant General Manager,
Union Bank of India,
Regional Office,
Pandu Nagar,
Kanpur.

AWARD

1. Central Government vide notification No. L-12012/261/97-IR (B-II) dated 20-10-98 has referred the following dispute for adjudication to this tribunal:—

“Whether the action of the management of Union Bank of India, Kanpur, to deny computer operator allowance to Sh. O.P. Mishra is justified? If not relief is the said workman is entitled?”

2. It is needless to give full details of the case as on the date of arguments at camp Varanasi, it was brought to the notice of the tribunal that the representative for the workman on 17-12-07, has moved an application in the case with request that the union is not interested in prosecuting the case, therefore, now there remains hardly any need to adjudicate the issue referred by the Ministry. Moreover, when the case was taken up for hearing on 5-3-08 at camp Varanasi, none appeared from the side of the workman.

3. In view of above, the tribunal is left with no other option to hold that the action of the management justified and accordingly it is held that the workman is not entitled for any relief as claimed in the statement of claim.

4. Reference is therefore answered accordingly against the union and in favour of the opposite party management.

R.G SHUKLA, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2008

का.आ. 2954.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धर्म 17 के अनुसार में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध वे निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम्भ न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 70/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-9-08 को प्राप्त हुआ था।

[सं. एल-12012/50/1997-आईआर(बो-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 26th September, 2008

S.O. 2954.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 70/98) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the industrial

dispute between the management of Union Bank of India and their workmen, received by the Central Government on 26-9-2008.

[No. L-12012/50/1997-IR (B-II)]

RAJINDER KUMAR, Desk Officer
ANNEXURE

BEFORE SRI R.G SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, KANPUR.

Industrial Dispute No. 70 of 1998

In the matter of dispute between:

Union Bank Staff Association,
Secretary, UB Staff Association,
C/o Union Bank of India, 24/53, Birhana
Road, Kanpur.

AND

The Assistant General Manager,
Union Bank of India Pandu Nagar, Kanpur.

AWARD

1. Central Government, MOL, New Delhi vide notification No. L-12012/50/97-IR (B-II) dated 12-4-98 has referred the following dispute for adjudication to this tribunal :-

Whether the action of the Union Bank of India in not allowing Sri. V.K. Tandon to perform duties as computer from 28-03-96 to 08-12-96 is legal and justified ? If not to whether Sri V.K. Tandon was allowed to any allowance for the above period.

2. Briefly stated facts as set up by the union on behalf of the workman is that there is an agreement between the union and the management to perform duties by the award staff on higher assignment against any post. The union without referring the number and date of circular has pleaded that as per settlement it is provided that in the event of regular and permanent selection is made at the post of Computer Operator, management in case of arising out of any vacancy at any of its branches can make an arrangement to man the post taking into station wise seniority. It is pleaded that a post of Computer Operator was lying vacant at its specialized Branch at Sarvodaya Nagar, on 28-03-96, but the management ignoring the claim of the workman who was much senior in the seniority list of Kanpur, posted one Sri O.P. Mishra as Computer Operator at the branch. The management smelling their mistake before the ALC(C) Kanpur posted Sri Tandon as Computer Operator on 09-12-96 after removing Sri O.P. Mishra. In this way ignoring the seniority of the workman the management in an illegal manner caused financial loss to the workman in the form of Computer Operator Allowance

during the period 1-4-95 to 31-12-96, which action of the management and to whom he paid to be in accordance with the agreement based on rules of mutual friendly, this way in all cases he has claimed a total sum of Rs. 1,25,75 paisa as dues on his wages for the above mentioned period on account of his further allowances.

3. The claim of the plaintiff has been rejected as contested by the party bank on the following grounds viz. that the present dispute is not a labour dispute as the plaintiff is the management in that he is a shop workman and it is the management's prerogative to settle any dispute which is suitable for settlement by the management intended to be settled by the management. The claim of the plaintiff is not sensible to be accepted. The plaintiff under the present circumstances having any precedent right to be given a regular appointment as the manager at the post of managing director. There is nothing in his favour and the same is liable to be rejected. It is also been prayed that the plaintiff is not entitled for payment as claimed by him as the claim of the plaintiff is liable to be rejected.

4. The author has paid regard to the fact in that nothing is mentioned which contradicts what has been said before.

3. After the meeting, both parties will draft a document in support of the proposed claim and send it to the other party.

6. The documents required for registration of the firm and its representatives by the investigating parties and the relevant authority should be carefully checked and maintained until they are filed.

common knowledge in labour jurisprudence that the management can not act upon their whims in the matter of appointment and posting or higher assignment. For such kind of posting requests lie on the side of the workman or the employee as the case may be, is must and in the absence of the same no employee can be offered higher assignment *suo motu* by his employer. In view of the settled legal position I find force in the arguments advanced by the opposite party and hold that prime requirement is first to apply for the post on higher assignment and it only after that the management is required to consider station-wise seniority in the matter of granting ad-hoc higher assignment till process of regular selection is completed.

8. There is yet another aspect of the matter. Both contesting parties have either pleaded or on the point that Sri O. P. Mishra, had not applied in terms of the agreement for the post of Computer Operator nor there is any evidence on the point. Under these circumstances it must be presumed that Sri Mishra might have applied for the post of Computer Operator in terms of settlement and that is why his seniority while providing officiating appointment could have been taken into consideration. Thus the case of the workman is quite distinguishable from the facts and circumstances of the case of Sri O.P. Mishra while offering the post on ad-hoc basis and there appears no illegality in the action of the management as indicated in the reference order. Held that the action of the management is legal and justified and as a result of which the claim of the union fails. Accordingly the workman is held entitled to no relief claimed by him as he never applied for the post of Computer Operator in terms of settlement dated 3rd March, 1974, within the closing date of the circular. Had he applied for such his case would have certainly been on different footing but not otherwise.

9. Reference is also made accordingly in the above statement.

S. S. S. S. S. Presiding Officer

નવી પિલ્લા - ૧ | સામાજિક, ૨૦૦૬

का.आर. 2955—कानूनी विवाद अधिनियम, 1947 (1947 का 14) की गारा 17 के अंत में, केंद्रीय सरकार सैक्षण वैकाशिक इंडिया के प्रबंधतत्रे का स्थान नियंत्रकों और उनके कर्मकार्प की ओर अनुबंध में निर्दिष्ट और्ध्वांशक विभाग में केंद्रीय सरकार और केंद्रीय नियंत्रण श्रमिक स्वाक्षरता, 1947 का पंचायत सेक्टर संख्या 57, 852 को प्रकाशित करती है, जो नवां 1947 का 16, 9-2008 को प्रलगा हो चुका

१०८२-१०९२-१०५१९६४-८०-११, राजा
देवेंद्र कुमार, डॉक्टर प्रतिष्ठान

New Delhi, dated 11 September, 2008

S.O. 2955.—In exercise of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Reference No. 57/88) of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 26-9-2008.

[No. L-12012/135/1984-D-II(A)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/T/LC/R/57/88

Presiding Officer : Shri C. M. SINGH

Shri Dragendra Singh Jadon,
S/o Ram Singh Jadon,
R/o Village Bamsoli,
Tehsil Sabalgarh,
Distt. Morena

..... Workman/Union

Versus

The Divisional Manager,
Central Bank of India,
Gwalior

..... Management

AWARD

Passed on this 10th day of September, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/135/84-D.II (A) dated 7-4-88 has referred the following dispute for adjudication by this tribunal:

"Whether the action of the management of Central Bank of India, Gwalior, in dismissing from service Shri D.S. Jadon, Agricultural Assistant, w.e.f. 29-1-82 is justified? If not, to what relief is the workman entitled?"

2. The case of workman Shri Dragendra Singh Jadon in brief is as follows. That he was appointed as Agricultural Assistant in the Central Bank of India on 23-4-1975. He was a confirmed Bank employee. While he was working at Ambah Branch of the Bank in Morena District (MP), he was served with memo dated 18-9-79 by the Branch Manager alleging that he appeared in written test conducted by the Banking Service Recruitment Board, Lucknow by impersonating his brother. That the workman submitted the reply of the said memo denying the false allegations made therein against him. Without considering the said reply, a second memo on 5-10-1979 repeating the same charge informing him that the Divisional Office of the Bank at Gwalior was surprised to note the denial of allegations by him. That the workman was not afforded full opportunity to reply the chargesheet and a departmental

enquiry was initiated against him. That the workman appeared before the Enquiry Officer on the date fixed in the enquiry. In the meantime, he was transferred from Ambah Branch to District Bhind at Godah Branch. This Godah Branch was under the supervision and control of Divisional Officer Gwalior. That a preliminary enquiry was conducted by the Bank, but the workman was not at all informed of the said preliminary enquiry. Therefore the departmental enquiry is liable to be vitiated on this ground alone. That the departmental enquiry was conducted not according to rules and without following the principles of natural justice. That the departmental enquiry was conducted against the workman neither properly nor legally. The workman was not supplied with the findings/report of enquiry. That on asking for the copy of Enquiry Report, the Assistant General Manager, Bhopal informed him vide his letter dated 24-3-82 that it was not permissible to supply copy of the findings of the Enquiry Officer. The Disciplinary authority imposed the punishment of dismissal from service on workman. The dismissal order mentioned the date of termination of service as 18-11-1981. The Divisional Manager, Gwalior made it effective from 27-11-1981 and the Branch Manager, Godah made it effective on 4-11-1981 while it was served on the workman on 29-1-1982. That the workman remained in service of the Bank till 29-11-1982 and his services could not be terminated with retrospective effect. On this ground alone, the order of dismissal is illegal and void. The workman was forced to prefer an appeal without the copy of findings of Enquiry Officer to the Assistant General Manager, Bhopal on 23-2-1982, but the appeal was dismissed without going into the facts and circumstances submitted by the workman. Meanwhile a copy of findings was sent by the Disciplinary Authority to him on 12-3-1982 after dismissal of appeal. It is prayed by the workman that the action of the management of Central Bank of India, Gwalior in dismissing his service be held void-ab-initio. Therefore he is entitled to full back wages from 29-1-1982 with consequential benefits including seniority and other benefits.

3. The case of management in brief is as follows. That workman Shri D. S. Jadon was rightly served with the memo as averred in the statement of claim. It has been denied by the management that the charges were baseless, false or amounted to a conspiracy. It has been pleaded by the management that workman Shri D. S. Jadon by impersonation did appear for his brother in the examination. It has also been denied by the management that the workman did not appear in the interview. It is pleaded on behalf of the management that before submitting the reply, the workman came to Gwalior in connection with the Bank's work and met the then Divisional Manager of the Bank and accepted the fact of impersonation. Not only this, he apologized and appealed for mercy, but he submitted reply contrary to his personal meeting with the Divisional Manager. The Branch Manager did serve memo dated 7-10-1979 but it is denied by the management that it was

the chargesheet. It is only certain documents from the workman. The chargesheet dated 16-3-1992 was submitted to the workman and he was informed that a disciplinary enquiry would be held against him. In the chargesheet it is mentioned that the enquiry will be conducted in a proper and orderly way. He was given full opportunity to defend himself and his quality. The workman did not submit any reply to the chargesheet. The Enquiry Officer submitted his report on 16-11-1981. After going through the enquiry report issued by the Enquiry Officer, the chargesheet against the workman were found proved by the Disciplinary Authority and the Appellate Authority issued a show cause notice to him and allowed a personal hearing to him on 29-1-1982. The workman appeared before Disciplinary Authority on 16-11-1981 and did not submit anything in writing but challenged the findings of the Enquiry Officer. On 29-11-1981, the Disciplinary Authority confirmed the charges of Enquiry Officer and awarded punishment of 15 days to the workman. The order was served on the workman on 29-1-1982. That the appeal filed by the workman was rejected by the Appellate Authority. It is not the case of the workman that the photograph affixed on the application form is because of genetic resemblance and is not the physical aspect of the workman. The workman also nowhere denied his handwriting. The workman is not entitled to bear the onus as the onus of proving gainful employment rests with the management.

FINDINGS

4. My learned predecessor in office advised me that Shri A.K. Shashi, Advocate for workman had ordered dated 16-3-92 held that the D.H. is initiated as it is neither valid nor legal. He quashed the enquiry. The above findings recorded by my learned predecessor in office stand on the part of the award.

5. My learned predecessor in office while quashing fixed the date in the reference case for evidence and dates for leading evidence for proving the misconduct of the workman and rebuttal.

6. The management in order to prove the conduct of the workman examined Shri L.B. Kanitkar, then Executive Manager, Central Bank of India, Shri V. S. Jadon, then Handwriting and Finger Print Expert, Shri R.S.D. Joshi, then posted as Branch Manager at Manabazar, Shri P. S. Durgapur, Central Bank of India, Shri K.S.D. Joshi, then Senior Manager, Central Bank of India and Soni P. B. Joshi, then posted as Credit Divisional Manager at Gwalior, Central Bank of India.

7. Workman Shri Jagat Singh Jadon has come to defend himself and denied himself as a witness.

8. The parties have filed Photostat copies of relevant documents which shall be referred in the final award at appropriate places.

9. I have heard Shri B.C. Kohli, Advocate for the management and Shri A.K. Shashi, Advocate for the workman. Both the parties have also filed written affidavits.

10. I have perused the considered argument submitted by both the parties. I have very carefully gone through the entire award and record.

11. Now it is for me to decide whether the Bank has succeeded in proving the misconduct of the workman.

12. The misconduct alleged to be committed by workman D.S. Jadon, then posted as Agricultural Assistant in Central Bank of India, Ambah Branch is that he appeared in written test of clerical cadre in place of his younger brother Shri V.S. Jadon by affixing his own photograph on the application form and the call letter for interview which was issued by the Banking Services Recruitment Board on 6-8-1979. That he also made an attempt to appear in the interview in place of his younger brother Shri V.S. Jadon on 26th August, 1979. Thus the workman has committed gross misconduct of impersonation of his younger brother V.S. Jadon. As per management's version, the aforesaid misconduct alleged to be committed by workman Shri D.S. Jadon, first of all, came to the notice of Shri L.B. Kanitkar, then posted as Dy. Chief Officer (Personnel) of Divisional Office, Gwalior while he was one amongst others representing BSRB, Lucknow on 26-8-1979 for conducting interview at Alankar Hotel, Gwalior. He was asked to assist the Board in verifying and scrutinize the testimonies of the candidates appearing for interview. It is during the course of the above scrutiny and verifications of the testimonies of candidates, it came to the notice of Shri L.B. Kanitkar that workman Shri D.S. Jadon, Agricultural Assistant in Ambah Branch has managed to attend the written test held on 6-8-79 by affixing his photograph in spite of his signature on the original application which was actually made by his brother Shri V.S. Jadon and the workman Shri D.S. Jadon had come with an intent to appear in the interview in place of his brother and was caught red-handed by Shri L.B. Kanitkar and other representatives. The management in order to prove the misconduct of the workman has filed affidavit of Shri L.B. Kanitkar. But the management failed to produce their witness Shri L.B. Kanitkar for cross-examination on behalf of the workman. Therefore, the affidavit which is actually examination-in-chief of the management's witness Shri L.B. Kanitkar cannot be taken as evidence. This witness has actually made the complaint against the workman on the basis of which the entire disciplinary action was initiated against the workman and thus the management has failed to prove the complaint made by witness Shri L.B. Kanitkar against the workman on the basis of which the disciplinary action was initiated against the workman.

13. The other witnesses called by the management for proving the misconduct of the workman are Shri Vinayak Bodas, then posted as Head Manager at Manabazar, Durgapur, Shri R.S.D. Joshi, then Senior Sr. Manager & Shri R.B. Shakla, then working Head Divisional Manager of Gwalior. It has been submitted by the learned counsel for

the management that the misconduct committed by the workman is fully established and proved from the testimony of Shri Vinayak Bodas, Shri R.S.D. Arora and Shri R.B.Shukla. Against the above, the learned counsel for the workman submitted that the testimony of the above named witnesses falls short in proving the misconduct of the workman. It has come in the evidence of Shri Vinayak Bodas that he was appointed Presenting Officer for conducting the Departmental Enquiry against workman Shri D.S. Jadon. This witness deposed during his evidence of examination-in-chief that during the course of DE, he had gone through the documents, papers listed in a schedule annexed with his affidavit and deposed that they are true copies of the originals. This evidence of the witness is insufficient to prove that the workman appeared in the written test for his brother Shri V.S.Jadon playing impersonation for him. On being cross-examined, this witness deposed that he has no personal knowledge of the charges leveled against the workman by the management.

14. Management's witness Shri R.S.D. Arora deposed in evidence of his examination-in-chief that during September 1978 to June 1980, he was posted as Branch Manager of Branch Office, Ambah (MP). He added that workman Shri D.S. Jadon had worked with him as Agricultural Assistant at the Branch Ambah. He further deposed that he is acquainted with the handwriting of workman Shri D.S. Jadon. According to testimony of this witness, workman Shri D.S.Jadon submitted an application for availing LFC w.e.f. 14-5-79 to 9-6-79. This witness stated that the said application is in the handwriting of workman Shri D.S.Jadon. He further deposed that Annexure-I of this affidavit is the photocopy of the aforesaid application. Thus this witness has tried his best to prove that application for LFC from 14-5-79 to 9-6-79 was in the handwriting of workman Shri D.S.Jadon and Annexure-1 is the photocopy thereof. On being cross-examined, regarding the aforesaid application, the witness deposed that the said application was written by workman Shri D.S.Jadon in his presence and after writing he had handed over the said application to him. On being further cross-examined, the witness deposed that if the Bank employee gives application written in the Bank itself, in that case, seal of the Bank is not affixed on the said application. According to testimony of this witness, the copy of application given by the workman to him is Exhibit M-8. The witness admitted that it bears the seal of Regional Office, Bhopal. On being further cross-examined, the witness deposed that the application for leave is allowed by the Branch Manager and is not sent to the Regional Office. The witness failed to give any reason as to why application Exhibit M-8 was sent to the Regional Office. The evidence of this witness is very shaky. In the ending lines of his cross-examination, the witness stated that his affidavit was prepared at Roorki and at that time, he had no official document in his possession. It is to be noted here

that the original application has not been brought on record perhaps for the reason that the same has been lost. Considering the entire deposition made by Shri R.S.D. Arora, I am of the opinion that even the Photostat copy of the aforesaid application has not been proved according to the principle of law of evidence by the shaky evidence of witness Shri R. S. D. Arora.

15. The next witness Shri R.B. Shukla, then posted as Lead District Manager at office of Central Bank of India has been examined by the management for proving that workman Shri D.S.Jadon had appeared in written test in place of his brother Shri V.S.Jadon and also the fact that the workman attempted to appear in the interview in place of his brother Shri V.S. Jadon and disappeared when the name of his brother Shri V.S.Jadon was called for interview. According to evidence of examination-in-chief of this witness, he was working as Agricultural Assistant at Lahar Branch in District Bhind in the year 1979-80. He deposed that he personally knows workman Shri D.S.Jadon. According to his deposition, during the aforesaid period, the workman was working as Agricultural Assistant at Amba Branch. He further added that a written test of clerical grade was conducted by Banking Service Recruitment Board in or about upto April/May 1979. That Shri V.S. Jadon had applied for the post of clerical grade. That workman Shri D.S.Jadon had appeared in the written test in place of his brother Shri V.S.Jadon and was declared successful in the written test. The witness further stated that personal interview of successful candidates in the above written test was conducted by the BSRB Lucknow on 26-8-1979 at Alankar Hotel, Gwalior. That Shri L.B. Kanitkar was Dy. Chief Officer (Personnel) at Gwalior. He was deputed to assist the Board in verifying and in scrutinizing the testimonials of the candidates appearing for the interview. The witness deposed that on the call of name of Shri V. S. Jadon for interview, no body appeared and by that time, Shri D. S. Jadon has disappeared after being spotted by Shri Kanitkar. On being cross-examined, this witness deposed that he has no knowledge of the dates on which the written tests were held. The witness during his evidence of cross-examination deposed that Shri L.B.Kanitkar, the then DCO Personnel at Divisional Office had brought to his knowledge that Shri V. S. Jadon had applied for the post of clerical grade. The evidence given by this witness regarding the above fact is nothing but hearsay and is not admissible as evidence. On being further cross-examined, this witness deposed that he had come to know that workman Shri D. S. Jadon had appeared for Shri V. S. Jadon in the written test for clerical grade from the memo and chargesheet which was given to the workman. Thus the evidence of this witness is not direct evidence. The witness did not see the workman appearing in the written test for his brother Shri V. S. Jadon. Besides the above, the witness has deposed that the written test had taken place in or about April/May 1979 meaning thereby

this witness does not know as to when the written test for clerical grade took place. It is not the direct evidence of this witness that on the call of the name of Shri V.S. Jadon, for interview, none appeared and by that time, Shri C.T. Jadon has disappeared which was noted by Shri D.S. Kanitkar. This witness has admitted during the course of cross-examination that he was not concerned with the personal interview of the candidates. Thus, if the management has filed the affidavit of Shri Kanitkar, then the management failed to produce him for cross-examination. Therefore his affidavit cannot be read in evidence. As far as the evidence of witness Shri R.B. Shukla is concerned, it is only hearsay evidence which is not admissible according to principles of law of Evidence.

16. Thus it is clear from the above that the management witnesses Shri Vinayak Bodas, Shri R.B. Arora and Shri R.B. Shukla are not eye witnesses of the alleged misconduct committed by workman Shri C.T. Jadon of impersonating his brother Shri V.S. Jadon in the written test held for the clerical grade and the alleged attempt made by workman Shri D.S. Jadon to appear in interview impersonating his brother V.S. Jadon.

17. Workman Shri D.S. Jadon specifically deposed in para-8 of his affidavit that he did not commit any misconduct nor he appeared for any test or interview for his brother as alleged. He further deposed that he does not know as to when the examination was conducted by the Bank and the Service Recruitment Board. This witness has been cross-examined at length by the management. Nothing has come in his evidence of cross-examination which may support the case of the management.

18. The management in order to prove that the application form for the post in the clerical grade of the nationalized banks operating in MP were filled in the handwriting of the workman Shri D.S. Jadon and not his brother examined Shri C.T. Sarvate, Handwriting and Finger Prints Expert. If it is proved that the aforesaid claims were filled in the handwriting of workman Shri D.S. Jadon, it will naturally indicate his intention to impersonate his brother in the examination for the clerical post but it shall not be sufficient proof of the fact that the workman did appear in the examination impersonifying his brother and attempted to appear in the interview on behalf of his brother. Shri C.T. Sarvate, Handwriting and Finger Print Expert deposed in his affidavit that he had examined the questioned writing on test form EC-1679 (Code No. 101-S-18), Exhibit A/1 and compared it with writing addressed to the Branch Manager, Central Bank of India, Ambib. Exhibit V-2. The witness further deposed that he had carefully examined the entire writing on test Form EC-1679 (having yellow coloured paper) which was in 4 pages and marked by him A to A, B to B, C to C and D to D. He had also compared the writing on F. Form marked A to A, B to B, C to C and D to D with the standard writing marked S-1 to S/1, Ex. A/2. The witness further deposed that he had

examined the questioned and standard writing under magnification. That being the enlargement of the questioned writing and the standard writing and brought the enlargement of questioned and standards to close-Juxtaposition, to facilitate comparison. The witness further deposed that the standard writing was sufficient for the purpose of comparison. Capital letters, small letters as well as some figures were available for comparison. The witness has filed his own opinion after having compared the disputed writing and the standard Handwriting. According to his opinion, he came to the conclusion that questioned writing marked A to A, B to B, C to C and D to D and the standard writing marked S-1 to S/1 have been written by one and the same person. Thus the opinion of the witness is that the disputed handwriting is written by the workman Shri D.S. Jadon. On being cross-examined by the counsel for the workman, the witness has specifically stated that he has very carefully examined the entire writing on Test Form EC-1679 (having yellow coloured paper). The record reveals that this document has been filed before this Tribunal alongwith the report of the Handwriting Expert. The Expert has failed to file specific details of documents, age and name of the examinee and other various details necessary to know from which document he has examined the relevant documents. From the evidence of the Expert witness, it is clear that he made enlargements of the Disputed as well as admitted handwritings but the Expert witness has not filed negative of the photographs of handwriting, positive thereof and the enlargements made by him. It is very clear from the evidence of the Expert that he did not examine the most important general characteristics such as spacing, Pen position, Speed Seizure and arrangements of letters, line quality. The Expert witness did not state in his report (opinion) and the affidavit, the above factors. The expert witness has failed to explain as to what are the individuality in the capital letters, small letters and figures. Without disclosing the same, the opinion of the Expert witness is not sufficient to believe that the questioned and disputed handwritings are of the same and the same person or not. Thus the opinion of the Expert witness is incomplete and cannot be considered as his opinion. And in this manner, the evidence of Shri C.T. Sarvate, the expert witness cannot be placed reliance upon. Thus the management has not succeeded in proving that the Examination forms were filled by Shri D.S. Jadon in his handwriting impersonifying his brother.

19. It has come to the notice of the affidavit of workman Shri D.S. Jadon that a disciplinary order mentioning the date of termination of service as 18-11-81. That the Divisional Manager, Central Bank made it effective from 27-11-1981 and the Branch Manager made it effective from 4-12-1981 while it was issued to him on 29-1-1982. He deposed that he remained in service of the bank till 29-1-1982 and his services could not be terminated with retrospective effect. Under the stand alone, the order of

dismissal is illegal and void. Against it, the learned counsel for the management submitted that the workman was served with the dismissal order on 29-1-1982. Naturally his services came to an end by termination on 29-1-1982 when the order was served on him. Regarding order dated 18-11-87, 27-11-1981 and 4-12-1981, he submitted that it were the proceedings adopted by the management in terminating his services and the final order of termination was served on him on 29-1-1982. Therefore it cannot be said that his services were terminated with retrospective effect. I have gone through memo dated 18-11-1981 signed by the Disciplinary Authority, memo dated 27-11-1981 signed by the Chief Manager etc. on record which clearly reveals as to how the proceedings of terminating the services of the workman were reduced into writing and finally the termination order was served on the workman on 29-1-1982 till then, he was in service of the Bank. Therefore it cannot be held that the termination order was passed with retrospective effect.

20. It has not been averred in the statement of claim filed by the workman that after his termination from services, he has never been gainfully employed. There is a Photostat copy of a certificate issued by the Major S.C. Khanna (Retd.) Principal, Rabbali School, Susera Kothi, Gwalior. This certificate is dated 12-9-1990. It indicates that workman Shri Dragendra Singh Jadon has been working in the said school since 1984 and was placed in the grade of Rs. 740-10-960 and at that time his total emoluments were Rs. 1230/- In view of the above, I find myself unable to hold that the workman shall be entitled to back wages.

21. In view of my findings recorded above, the reference is decided in favour of the workman and against the management with costs holding that the action of the management of Central Bank of India., Gwalior in dismissing from service Shri D.S. Jadon, Agricultural Assistant w.e.f. 29-1-1982 is not justified. Consequently he is entitled to be reinstated.

22. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 29 सितम्बर, 2008

का.आ. 2956.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधित के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकारण, अम न्यायालय, हैदराबाद के देशांत (संदर्भ सं. 27/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-2008 को प्राप्त हुआ था :

[सं. एस-22012/118/2003-आईआर(सीए-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 29th September, 2008

S.O. 2956.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 27/2004) of the Central Government Industrial Tribunal/Labour Court, Hyderabad, as shown in the Annexure, in the industrial dispute between the management of M/s Singareni Collieries Co. Ltd. and their workman, received by the Central Government on 29-9-2008.

[No. L-22012/118/2003-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Shri Ved Prakash Gaur, Presiding Officer
Dated the 10th day of September, 2008

Industrial Dispute No. 27/2004

BETWEEN

The Branch Secretary, (Sri N. Kistaiah)

Singareni Collieries Workers
Union (AITUC),
Mandamari-504231

.... Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Limited,
Mandamari Division,
Mandamari-504231

.... Respondent

APPEARANCES

For the Petitioner : M/s. A. Sarojana and K. Vasudeva Reddy, Advocates

For the Respondent: Sri P.A.V.V.S. Sarma, Advocate

AWARD

This is a reference made by the Government of India, Ministry of Labour and Employment by its order No. L-22012/118/2003-IR(CM-II) dated 23-4-2004 in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 with the following schedule :

SCHEDULE

"Whether the action of General Manager, M/s. Singareni Collieries Company Limited, Mundanur in denying to rectify the date of initial appointment as 25-7-80 instead of 13-4-90 in respect of Sh. Gangaram Prakasham, Sampling Mazdoor, KR-1, CSP Mundanur Division taking into consideration of his service at Singareni Colliery School is legal and justified? If not, in what relief he is entitled?"

2. The claimant has filed claim statement with allegations that he was initially appointed as Record Assistant on 12th July, 1980 and was posted to post of Singareni Collieries High School, Kalyankhanda, Nizamabad district and he joined the service as Record Assistant at Kalyankhanda on 28-7-1980.

3. He further avers the management of Singareni Collieries Company Limited has established various schools to cater the needs of the children of its employees and the teaching and non-teaching staff of these schools are being appointed by the management of Singareni Collieries Company Limited and hence the teaching and non-teaching staff of schools are the employees of the said Collieries Company Limited. He has referred the order dated 12-2-1980.

4. He further stated that management of Singareni Collieries Company Limited has issued a circular dated 2-6-1989 inviting applications from the employees who were already in service to fill up the vacancies of Sampling Mazdoors. As Sri Gangaram Prakasham was fulfilling all the qualifications and conditions stipulated for the post of Sampling Mazdoor, he has applied for the same. After written and oral test, Sri Prakasham was declared selected to the post of Sampling Mazdoor vide offer letter dated 15-3-1990 and he was appointed as Sampling Mazdoor. After being relieved from the post of Record Assistant, he reported to the Vice Principal Quality Control and Guidance, Kothagudem for placement on 13-4-1990. Since then he has been working as Sampling Mazdoor.

5. It has further been stated that at the time applicant was appointed as Sampling Mazdoor he has already served 10 years of service as Record Assistant in Singareni Collieries Company Limited, his appointment to the post of Sampling Mazdoor is not a fresh appointment, his appointment by him under circular dated 2-6-1989 also it does it clear that the post of Sampling Mazdoor was sought to be filled in only by the employees already in service and said circular does not stipulate any condition that candidate selected for the post of Sampling Mazdoor would have to forego their previous service. As such, simply because applicant has opted to work as Sampling Mazdoor he can-

stated that had the respondent stipulated this condition, no workman would have applied for the post of Sampling Mazdoor by foregoing previous services.

6. It is further been alleged by Petitioner that in the service record of the applicant, his date of appointment was mentioned as 25-7-1980 and his appointment to the post of Sampling Mazdoor by transfer. This service register was verified in 1995 by the authorities of Singareni Collieries Company Limited and nobody could find fault with the entries made therein.

7. It is further been alleged that to the utter shock and disappointment during the year 2001 the applicant workman came to know that entries made in service register were modified by the authority suo-moto showing his date of appointment as 13th April, 1990. That is the date of his appointment as Sampling Mazdoor. Thereby modifying his date of initial appointment before making such an alteration in the service register, no opportunity was given to the workman neither a notice was given to him nor any explanation was sought from him. As a result of the above alteration of his date of appointment, the workman would lose 10 years of service rendered from 25-7-1980 to 13-4-1990. After the knowledge of change in his date of appointment, workman in written submitted representation to collieries authorities to treat his initial date of appointment as 25-7-1980 but not 13-4-1990. Thereafter he made several oral requests. His initial date of appointment was not entered. Then, he approached the Singareni Collieries Worker's Union, to which he is a member and requested to take up the issue for amicable settlement.

8. On the request of the workman, union submitted representation 3-6-2002 to the Conciliation Officer, the conciliation proceedings ended in failure which resulted in present reference.

9. It has been further alleged that the employees of Singareni Collieries Company Limited are governed by separate standing orders which are not applicable to the employees of the school, even then the services rendered by the workman as Record Assistant in the Singareni Collieries High School cannot be treated to be service of any other employer. But the service of the company which has to be reckoned. The contrary view that the services of the Record Assistant can not be treated as service of the company and such service should not be reckoned is illegal, arbitrary and untenable.

10. The employees of the school and employees of the Singareni Collieries Company Limited are governed by the management of the Singareni Collieries Company Limited only. The applicant workman was appointed by the Singareni Collieries Company Limited. Therefore, he cannot be deprived of his previous service rendered as Record Assistant subsequent to his joining to the post of

11. He has further mentioned that various circulars issued by the management of Singareni Collieries Company Limited amply makes it clear that the service conditions such as scales of pay, leave and other allowances of the employees of Singareni Collieries High School are made applicable on par with the employees of the State Government. As a result of the modification, at the date of the appointment of the workman, as 30-4-1990 he would be less than 10 years of service for the purpose of reckoning Provident Fund, Gratuity and other service benefits. As a matter of fact as a Record Assistant and also Sampling Mazdoor, Provident Fund is deducted on the same number even as on today. Therefore, at any stretch of imagination the workman cannot be deprived of the service rendered by him as Record Assistant and his date of initial appointment cannot be treated as 13th April, 1990 instead of 25th July, 1990.

12. He further alleges that book verification committee has no jurisdiction to alter the date of appointment of the workman from 25-7-80 to 13-4-90. It is further submitted that several other employees, earlier worked in the schools established by the Singareni Collieries Company Limited were subsequently appointed in various posts in the company. All those employees were paid terminal benefits treating their initial appointment in the school and treating their services as continuous subsequent their joining in the company by way of appointment by transfer. Though the applicant is similarly situated like that of other workmen he is not being given similar treatment, thereby depriving him of 10 years of service rendered by him in Singareni Collieries High School. He has further stated that as a matter of fact the workman has requested the Respondent to cancel his appointment as Sampling Mazdoor and post him back as Record Assistant but his request was rejected by the Respondent vide proceedings dated 26/29-6-1990. Having rejected his request, it is not open to the Respondents to deprive the applicant of 10 years of service as Record Assistant. Thus, he has requested that the action of the Respondent treating the date of initial appointment of the workman as 13-4-1990 instead of 25-7-1980, be declared as illegal and arbitrary and Singareni Collieries Company Limited be directed to treat the date of initial appointment of workman as 25-7-1980 and any other direction this Court may deem fit.

13. The Singareni Collieries Company Limited has filed counter and has alleged that Respondent management as a part of welfare measure decided to run educational institutions under the Singareni Collieries Educational Society by following A.P. Educational Act and rules thereby for the benefit of children of its employees working in various coal fields. The pay scales, service conditions, fringe benefits, etc. of teaching and non-teaching staff working in the High School are regulated by the A.P. Educational Act and Rules thereon and as per orders issued by the Government of A.P. from time to time.

14. They have further submitted that Singareni Collieries Company Limited is an industry under Sec.2(j) of Industrial Disputes Act, 1947 engaged in extraction and winning of coal in the four districts of Khammam, Adilabad, Karimnagar and Warangal in the State of Andhra Pradesh. The employees engaged in mining operations are governed by the Coal Mines Regulations, Mines Act, Mines Rules, Standing Orders etc.. Their pay scales and service conditions are as per the National Coal wage Agreement arrived at between the managements of coal industry and the National Trade Unions. Whereas the pay scales and service conditions of the employees of the Singareni Collieries High Schools run by the Singareni Collieries Educational Society and the Singareni Collieries Company Limited are different and distinct in nature. They are regulated by a separate set of Acts, Rules, Regulation, Agreements and standing orders etc..

15. The Respondent has submitted that workman G. Prakasham was appointed as Record Assistant in the non-teaching cadre of S.C. High School, Mandamarri on 25-7-1980. His pay scales and service conditions are regulated by A.P. Educational Act and Rules and not as per the service conditions applicable to the employees of Singareni Collieries Company Limited. They have categorically stated that in the initial appointment order dated 12-7-1980 it has been mentioned that, "The service conditions in respect of confirmation, grant of annual increment, leave, sick leave, travelling allowance and dearness allowance etc., are all governed by the rules and regulations from time to time by Government of Andhra Pradesh for the Record Assistants of recognized High Schools or as stipulated by the Singareni Collieries Company Limited." The contention of the Petitioner that he was employee of the Singareni Collieries High School are the employees of the Singareni Collieries Company Limited is not correct.

16. The management has submitted that while working as Record Assistant in Singareni Collieries High School, the workman G. Prakasham under the fold of Singareni Collieries Educational Society applied for the post of Sampling Mazdoor, Cat. I (unskilled) in the Singareni Collieries Company Limited in response to the circular dated 2-6-89 issued by the General Manager (Personnel) calling applications from the eligible workmen and in the process of the selection he came out successfully. He was appointed as Sampling Mazdoor vide office order dated 15-3-1990 in the services of the Singareni Collieries Company Limited and put on probation for a period of 3 months from the date of his reporting for the duty. He reported for duty on 13-4-1990 to the Chief (Quality Control) i.e., the date on which he entered into the service of the company.

17. Thus, appointment to the post of skilled mazdoor in the Singareni Collieries Company Limited, which was not appointment by way of transfer as alleged by the Petitioner union. The Petitioner has not opted to work as

Sampling Mazdoor in the Singareni Collieries Company Limited, but in response to the circular issued by the General Manager (Personnel), the Petitioner workman applied for the post he was called for test and interview and so finally selected for the post of Sampling Mazdoor. As such his date of appointment in Singareni Collieries Company Limited is 13-4-1990 as Sampling Mazdoor.

18. It is further been stated that the allegations of the workman that management has not stipulated any condition as to forego previous service put in by him in the school in the circular dated 2-6-1989 while calling applications from the eligible candidates for the post of Sampling Mazdoor. As such his appointment is by transfer and to treat his appointment as 25-7-1980 is not tenable because his services under A.P. Educational Act, Rules in the High School of the company has nothing to do with his appointment of 13-4-1990 as Sampling Mazdoor in the company.

19. The company has alleged that Petitioner's selection to the post of Sampling Mazdoor and his reporting for duty on 13-4-1990 is the date of his appointment in the service and the same has been entered in his service record which is correct. Earlier erroneously his date of entry was recorded as 25-7-1980 which has been corrected. The allegation of the Petitioner workman that in the year 1995 his service record was inspected and no fault was found has no bearing because a wrong entry can be corrected at any time. Since the appointment of the Petitioner is not by way of transfer but his appointment as Sampling Mazdoor was afresh appointment, reported for duty as a Sampling Mazdoor on 13-4-1990 in Singareni Collieries Company Limited, his date of appointment was correctly entered as 13-4-1990. They have rebutted the allegations of the Petitioner that the date of his appointment has been subsequently modified by the company without giving any opportunity to the Petitioner and Petitioner has been put to strict proof thereof. They have further denied the averments of the Petitioner that as a result of the alteration of his date of appointment he has lost 10 years of the service rendered from 25-7-1980 to 13-4-1990 and they have denied it. They have further stated that the representation made by the workman was devoid of merit and as such his request was not allowed by the management.

20. Management has alleged that in the service book of the Petitioner his date of appointment in the company has been mentioned as the date on which he has joined as Sampling Mazdoor in the company. The entry is legal and tenable. As against this, contention of the Petitioner as the entry is illegal, arbitrary and untenable is not correct. The Petitioner was working under the A.P. Educational Act and Rules, as such the service rendered under the Education Act can not be reckoned for the services of the company, as the service of the school was not service of the company. Further, the company has challenged that

the workman will lose the benefit of Provident Fund, Gratuity and other service benefits by denying the earlier date of appointment as the date of his entry to the service of the company. They have requested this court to reject the claim being devoid of merits.

21. The Petitioner side has filed the list of documents and the Petitioner has examined himself as WW1 whereas the Respondent's side has filed their documents and has examined Sri Y. Kanaka Swamy as Respondent management witness No.1. The Xerox copies of the following documents were marked by the Petitioner: EX.W1 is the Office order appointing the Petitioner as record assistant dated 12-7-80. EX.W2 is the office order dated 1-8-80. EX.W3 is the circular regarding vacancies of Sampling Mazdoors dated 2-6-89. EX.W4 is the office order appointing the Petitioner as Sampling Mazdoor dated 15-3-90. EX.W5 is the proceedings posting the Petitioner at KK-1 dated 20-3-90. EX.W6 is the relieving order dated 12-4-90. EX.W7 is the posting orders as Sampling Mazdoor dated 14-4-1990. EX.W8 is the proceedings dated 26/29-6-99. EX.W9 is the representation to reckon the service of WW1 dated 23-6-2001. EX.W10 is the proceedings dated 4-5-2002. EX.W11 is the representation dated 3-6-2002. The Xerox copies of the following documents were marked by the Respondent: EX.M1 is the Office order appointing the Petitioner as record assistant dated 12-7-80. EX.M2 is the Office order appointing the Petitioner as Sampling Mazoor dated 15-3-90. EX.M3 is the proceedings posting the Petitioner at KK-1 dated 20-3-90. EX.M4 is the service conditions of staff in S.C. High School dated 8-6-78. EX.M5 is the circular regarding vacancies of Sampling Mazdoors dated 2-6-89. EX.M6 is the representation to reckon the service of WW1 dated 23-6-2001. EX.M7 is the grievance procedure dated 27-5-2002. EX.M8 is the letter No. EEMMR/KK-ICSP/1902/123. EX.M9 is the proceedings dated 4-5-2002. EX.M10 is the conciliation proceedings dated 10-4-2003. EX.M11 is the view of the management. EX.M12 is the letter No.CRP/PER/PM U-1/663 dated 25-4-2002. EX.M13 is the service record of WW1. EX.M14 is the service particulars of WW1. EX.M15 is the service book of WW1 as Record Assistant in S.C. High School. EX.M16 is the posting orders as Sampling Mazdoor dated 14-4-1990. EX.M17 is the Identity and Service card of Sri Kallepalli Krishna Swamy dated 16-10-1986. EX.M18 is the Identity and Service card of Sri Gogula Rajesham, dated 15-10-1996. EX.M19 is the information pertains to Sampling Mazdores dated 27-6-2005. EX.M20 is the Extract of Memorandum of Societies, Singareni Collieries Education Society - Vios and objects. EX.M21 is the Singareni Collieries Education Society-Rules and regulations of the society.

22. I have heard counsel for both the parties and have gone through the file. This Court has to consider the facts in the reference.

23. The Petitioner workman has filed documents. EX.W1 is the copy of office order dated 12-7-80, letter of

appointment in favour of Petitioner workman to the post of Record Assistant by the Singareni Collieries Company Limited, Mandamarri, under the signature of A.G.M., Mandamarri and Ramakrishnapur Area. Wherein in para 6 of this appointment order it has been mentioned that the services are liable to be transferred to any of the educational institutions managed by the company in any of the coal fields. In para 10 of this appointment letter it has been mentioned "that residential accommodation will be provided as and when available on rental basis as decided by the company from time to time." In para 11 of this appointment letter it has been mentioned "that free medical aid is allowed in company's hospital as per rules." In para 12 of the appointment letter it has been mentioned that "if the candidate desires to leave the services he has to give one month notice to the management." On the basis of this appointment letter the contention of the Learned counsel for the workman is that the conditions laid down in para 6,10 and 11 of the appointment letter dated 12-7-80 amply proves that the workman G. Prakasham was appointed as an employee of the company in the S.C. High School by the management of the company. Because this appointment letter has been signed by Add General Manager, Mandamarri in Ramakrishnapuram area of the Singareni Collieries Company Limited.

24. The learned Counsel for the Respondent relied on condition five of this appointment letter wherein it has been mentioned that the service condition in respect of "confirmation grant of annual increment, leave, sick leave, T.A. D.A., are governed by the rules and regulations framed from time to time by Government of Andhra Pradesh for Record Assistant of recognized high Schools or as stipulated by the Singareni Collieries Company Limited." This Court has to consider a very relevant and material question, whether the initial appointment of the Petitioner workman was under collieries or it was under the A.P. Educational Department. This material question can be decided by the appointment letter issued to the workman G. Prakasham at his initial appointment to the post of Record Assistant in S.C. High School, Mandamarri. The letter has been issued by the Add. General Manager of Singareni Collieries Company Limited, Mandamarri in R.K. Puram Area. Had the workman not been employee of the company, the appointment letter would not have been issued by the Singareni Collieries Company Limited and that too by its "Addl. General Manager of Manadamarri, R.K. Puram Area." Thus the first test to ascertain the employer of the workman stand in favour of the workman that the appointment letter was issued by Singareni Collieries Company Limited. No doubt, the service condition was in respect of the confirmation grant of annual increment, leave and sick leave and T.A. and D.A. to be governed by the rules and regulations framed by the Government of Andhra Pradesh from time to time but it is further been stipulated in this appointment letter that the Singareni Collieries

Company Limited is also stipulated to frame rules. Had it not been so. Then in para 5 of the appointment letter it would not have been written that the service condition etc. be regulated and governed by Andhra Pradesh Government's rules or as stipulated by the Singareni Collieries Company Limited. Secondly, in the appointment letter itself the management has written that the services of the employee are liable to be transferred by the management company from one educational institution to another educational institution, in any other coal field. This also proves that the employer was coal company. Further in para 10 of this appointment letter, the company has undertaken to allot a residential accommodation on rental basis as decided by the company from time to time. Apart from that, free medical aid was also allowed to this workman in company's hospital as per rules. Had the workman not been an employee of the company, the company would not have opted to allot residential accommodation to the workman or allowed him free medical aid in company's hospital. Thus, the contention of the Learned Counsel for the workman that the workman was initially appointed on the post of record assistant by the Singareni Collieries Company Limited is correct and to my mind this contention is liable to be accepted. Apart from the appointment letter there was more strong fact which goes to prove that the workman G. Prakasham was initially appointed by Singareni Collieries Company Limited as its workman because in para 15 of the claim statement the workman has mentioned that in so far as "medical aid, provident fund, gratuity etc. are being extended to the employees of the Singareni Collieries Schools on par with the workmen of the Singareni Collieries Company Limited". This contention of para 15 of claim statement has not been denied by the company management in its counter statement. Thus a statement which has not been denied nor challenged by way of reply is supposed to be correct and has to be accepted. Since the above contention raised in the claim statement has not been denied by the company management in their counter statement nor denied in their oral submissions or statement, this averment made in para 15 of the claim statement is to be accepted by this court and in that case, workman G. Prakasham was kept at par with the workmen of the Singareni Collieries Company Limited in the matter of medical aid, Provident Fund and Gratuity etc., while working in the S.C. High School, it is clearly meant that the company treated the workman the time of initial appointment to the post of record assistant at par with other workmen of the company appear to be correct. Thus, the contention of the Learned Counsel for the workman that the workman G. Prakasham was the workman of the Singareni Collieries Company Limited is correct. The third contention in support of the claim that workman G. Prakasham was a workman of the company finds support from the document Ex. W3 that a circular dated 2-6-89 of the Kothagudem Colliery to effect inviting applications from the employees of the company

for the appointment to the post of Sampling Mazdoor wherein it has been mentioned that "The vacancies of Sampling Mazdoor posts in the company is proposed to fill by the vacancies from among employees already in service. The qualification is given. On the basis of this circular dated 13-11-1990 G. Prakashan has been to the post of Sampling Mazdoor. This fact is also stated in Ex. W3. Petitioner has accepted that he was appointed to Sampling Mazdoor post of Sampling Mazdoor on the basis of selection to be filled up by transfer of service. It is stipulated therein that the post has to be filled from among those who are already in service and thereby that the post has to be filled up from among candidates who are already in the service of the company. Since G. Prakashan was working under the administrative control of S.C. High School, he also applied for the post of sampling mazdoor, appeared for the examination and finally selected said by office order dated 13-4-1990. In EX.W4 he was given appointment. In point 3 of his appointment letter, it is been mentioned that "the work, attendance and conduct are to be satisfactory during the probationary period so far as to be reverted to a substantive post". One document goes to show that since the workman G. Prakashan was already in the service of the company and admissible under control of the company. Therefore, the committee has decided that if his work and conduct to the post of Sampling Mazdoor are not found to be satisfactory, he will be reverted to be reverted to a substantive post. Had the management in control of most posts, the company would have written in its condition that on the post of Sampling Mazdoor if the services of the workman would not be satisfactory he will be reverted to the substantive post. EX.W5 is posting notice which is not issued. EX.W6 is relevant to S.C. High School, Kurnool dated 12-4-1990 by which a workman G. Prakashan was relieved of his post in school and was transferred and was relieved for joining or reporting to the post of Control and Guidance Engineer for placement of workman on post of record. As the post held under the administrative control of the company the services of the workman would not have withdrawn in reliving order though there is no record as the usual report to the post of Control and Guidance Engineer for placement of workman to show that the S.C. High School is a sister concern of Singareni Collieries Company Limited and the services rendered in S.C. High School of any person by the post of the Singareni Collieries Company Limited. This has been corroborated by the workman in his oral statement in the way of an affidavit dated 14-12-2004. In his statement dated 12, he has stated that to so far as meagerest benefit of Gratuity Fund, Gratuity etc. has been extended to the employees of S.C. High Schools in par with workmen of Singareni Collieries Company Limited. This material has been

Dy. Personal Manager has affidovit. In his cross examination, Mr. Y. Ishaq Swamy has stated that it is a fact that as per Ex.W5 the filling of the vacancies of Sampling Mazdoor are to be filled by the employees who are already in service, there is no condition in Ex. W3 that a selected candidate has to forego his previous service. The statement made in the cross examination of the witness Mr. Kanaka Swamy goes to show that the workman that at the time of inviting application for filling of the post of Sampling Mazdoor, no condition was prescribed or laid down that if a workman is selected for the post of Sampling Mazdoor, he will have to forego his previous years of service. When there is no such condition at the time of inviting applications. Then, to my mind, the employer can change the service condition ex-moto without giving an opportunity of hearing to the concerned workman. Witness T. Kanaka Swamy has further admitted that it is true that Petitioner was relieved and was directed to report to Sampling Mazdoor as per Ex. M 16. He has admitted that the Petitioner was appointed as Sampling Mazdoor by way of appointment by "transfer" on selection. This proves the contention of the Petitioner that his appointment to the post of Sampling Mazdoor was made by transfer of his services. When the services of the Petitioner were transferred to another concern of the company to other concern of the company as per service jurisprudence the services rendered by the workman cannot be foregone as has been done in this case. The Respondent's witness admitted that identity and service record are opened afresh on his selection and appointment as Sampling Mazdoor as per Ex. M13. He has accepted that while preparing Ex. M13 the date of appointment was 25-7-1980 which was read as 12-7-1980 and written as 13-4-1990. This alteration was done by Mr. H. S. Abbas, Dy. General Manager (Personal), but this witness has shown ignorance about the fact whether any notice was given to the concerned before making alteration or not. He has stated that the alteration was made on the basis of the recommendation made by verification committee. But no record has been produced by Respondent management before this court about constitution of the committee and powers of the committee. Thus, the Learned Counsel for the applicant has stated that in absence of any written order or regulation regarding the formation of the committee, committee can be formed by the General Manager, if by oral order, has got legal sanctity and I am in the agreement of the contentions of the Learned Counsel for the Petitioner that since the Respondent has not produced any written order of the General Manager or the power and authority of the committee, even if the committee has made any recommendation, such a recommendation has got no effect in eye of law and no alteration can be made on the basis of recommendation of such committee. There is no written order or rule passed by management to show the power of committee to make changes in the initial

made by committee has no bearing and no change could have been made.

25. Thus, from the above discussion, I have come to the conclusion that the workman G. Prakasham was initially appointed as employee of the company's High School as record assistant and while working in that company's High School on the basis of the circular dated 2-6-89 he has applied for the post of Sampling Mazdoor, appeared for the test and was finally selected by the management for appointment to the post of Sampling Mazdoor and he was appointed to the post on 15-4-1990. Thus he remained the employee of the company from the date of his initial appointment to the post of record assistant, till the date that i.e., 15-4-1990 when he was appointed to the post of Sampling Mazdoor under administrative control of the Singareni Collieries Company Limited and he remain the company's employee during all this period. No doubt, he was appointed to the post of Sampling Mazdoor by way of fresh selection. Thus his date of appointment to the post of Sampling Mazdoor will be 15-4-1990 and for the purpose of seniority to the post of Sampling Mazdoor his date of appointment shall be 15-4-1990 but for the purpose of counting his entire length of service, the initial date of appointment is 12-7-1980 as entered in Ex.M13. The management has changed the initial date of appointment from 12-7-1980 to 15-4-1990 without giving any opportunity of hearing to the Petitioner workman and thus the action of the management while changing the date of initial appointment of the Petitioner for the purpose of payment of Provident Fund, Gratuity and retiral benefits shall be 12-7-1980. The Petitioner shall not be entitled to claim seniority in the post of Sampling Mazdoor from the date of initial appointment i.e., 12-7-1980.

26. The Learned Counsel for the Respondent has argued that the appointment in the High School was not appointment in the company because the company is engaged in work of mining, erection and winning of coal and its employees are governed by the Coal Mines Regulations, Mines Act and Mine Rules and Standing Orders and pay scales are governed by National Coal Wage Agreement whereas that of Petitioner's initial post of the record assistant are governed by A.P. Educational Act. Thus these are two different departments and service rendered in the department of education cannot be reckoned in the coal Mines Services. He has relied upon the case law of Hon'ble Supreme Court reiterated in AIR 1998 SC 2590 between Yogendra Prasad Mandal and State of Bihar and others. I have gone through the judgement of the Hon'ble Supreme Court which was for the purpose of the seniority of Yogendra Prasad Mandal who was a retrenched employee of Bihar State, Forest Development Corporation and he was taken into services of Bihar State Forest Department after being declared surplus in the Forest Development Corporation. This case law of Hon'ble Supreme Court is not applicable in the present matter

because the facts of this case are entirely different from that of the case of Yogendra Prasad Mandal, because in this case Workman G. Prakasham was appointed by the Singareni Collieries Company Limited in its own High School though the service conditions were governed by the A.P. Educational Rules but the workman was under the direct administrative control of the management of Singareni Collieries Company Limited. For which the test has been mentioned in the foregoing paragraphs of this judgment being in the services of the company, the workman of this case applied for the post of Sampling Mazdoor as was stipulated in the advertisement for the filling of the post. The workman applied for the post, he appeared for the test and got selected and then he was relieved by the company's school for the purpose of joining to the post of Sampling Mazdoor. Thus the case of present workman is entirely different from the case of Yogendra Prasad Mandal. Secondly, in this case the workman has not claimed seniority from 1980. He has simply claimed that his previous service rendered in the school be counted for payment of provident fund, gratuity and other retrial benefits from the date of his first entry in the company's services i.e., from 25-7-1980. Thus the case law cited by the Respondent's counsel is not applicable in this case. The Respondent's counsel had not challenged the Petitioner's contention that Petitioner was governed by the company's rules of Provident Fund, Gratuity and medical aid and he claims only that relief from the company by way of his initial entry to the post of record assistant in company's services and this should have been done as the Petitioner was appointed in the company's services in the company's High School. So his date of initial appointment cannot be changed because at the time of calling for applications for appointment for the post of Sampling Mazdoor no condition was laid down that if a workman is selected to the post of Sampling Mazdoor he will have to forego his previous years of service. In absence of such a condition, the management cannot forego the previous years of services of the workman and that too without giving any opportunity to workman. The management cannot change the initial date of appointment.

27. Thus, to the mind of this court, the action of the management is wholly illegal and unconstitutional and untenable. The management is directed to change the date of appointment of the workman to 25-7-1980 as was earlier written in his service book. However, the Petitioner shall not be entitled to claim seniority in the post of Sampling Mazdoor on the basis of his earlier services rendered in the company's school. Thus, this court has come to the conclusion that, Mis. Singareni Collieries Company Limited, Mandamarri is not justified in denying to rectify the date of initial appointment as 25-7-1980 instead of 13-4-1990. The action of the company is illegal, untenable and unconstitutional. The company is directed to rectify the mistake and enter the date of appointment as 25-7-1980.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 10th day of September, 2008.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

**Witnesses examined
for the Petitioner:**

WW1: Sri Campa
Prakasham

**Witnesses examined for
the Respondent:**

MW1: Sri Y. Kanaka Swamy

Documents marked for the Petitioner

- Ex.W1: Copy of O.O. appointing the Petitioner as record assistant dated 12-7-80
- Ex.W2: Copy of office order dated 1-8-80
- Ex.W3: Copy of circular reg. vacancies of Sampling Mazdoors dated 2-6-89
- Ex.W4: Copy of office order appointing the Petitioner as Sampling Mazdoor dated 15-3-90
- Ex.W5: Copy of proceedings posting the Petitioner at KK-1 dated 20-3-90
- Ex.W6: Copy of relieving order dated 11-4-90
- Ex.W7: Copy of posting orders as Sampling Mazdoor dated 14-4-1990
- Ex.W8: Copy of proceedings dated 26/29-6-90
- Ex.W9: Copy of representation to reckon the service of WW1 dated 23-6-2001
- Ex.W10: Copy of proceedings dated 4-5-2002
- Ex.W11: Copy of representation dated 3-6-2002

Documents marked for the Respondent

- Ex.M1: Copy of O.O. appointing the Petitioner as record assistant dated 12-7-80
- Ex.M2: Copy of O.O. appointing the Petitioner as Sampling Mazdoor dated 15-3-90
- Ex.M3: Copy of proceedings posting the Petitioner at KK-1 dated 20-3-90
- Ex.M4: Copy of service conditions of staff in SC High School dated 8-6-78
- Ex.M5: Copy of circular reg. vacancies of Sampling Mazdoors dated 2-6-89
- Ex.M6: Copy of representation to reckon the service of WW1 dated 23-6-2001
- Ex.M7: Copy of grievance procedure dated 27-3-2002
- Ex.M8: Copy of Ir No. EEEJMMR/KK-1CSP/19/02/473

- Ex.M9: Copy of proceedings dated 4-5-2002
- Ex.M10: Copy of Conciliation proceedings dated 10-4-2003
- Ex.M11: Copy of views of the management
- Ex.M12: Copy of Ir. No. CRP/PER/PM/04/663 dated 25-4-2002
- Ex.M13: Copy of service record of WW1
- Ex.M14: Copy of service particulars of WW1
- Ex.M15: Copy of service book of WW1 as Record Assistant in SC High School
- Ex.M16: Copy of posting orders as Sampling Mazdoor dated 14-4-1990
- Ex.M17: Copy of Identity and Service card of Sri Kallepalli Krishna Swamy dated 16-10-1986
- Ex.M18: Copy of Identity and Service card of Sri Gogula Rajesham, dated 15-10-1996
- Ex.M19: Information pertains to Sampling Mazdoors Ir. No.RG4/MGR.OCI/G 004/2097 dated 27-6-2005
- Ex.M20: Extract of Memorandum of Societies, Singareni Collieries Education Society—Aims and objects
- Ex.M21: Copy of Singareni Collieries Education Society Rules and Regulations of the Society.

नई दिल्ली, 29 सितम्बर, 2008

का.आ. 2957.—ऑटोग्राफिक विवाद अधिनियम, 1947 (1947 का 14) को भाग 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रवर्धनतंत्र के संबंद्ह नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ऑटोग्राफिक विवाद में केन्द्रीय सरकार औटोग्राफिक/अधिकरण, हैदराबाद के पंचाट (संदर्भ सं. 19/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-2008 को प्राप्त हुआ था।

[सं. एल-22012/27/2006-आईआर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 29th September, 2008

S.O. 2957. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.19/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad, as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen, which was received by the Central Government on 29-9-2008.

[No. L-22012/27/2006-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

**PRESENT : SHRI VED PRAKASH GAUR, Presiding
Officer**

Dated the 4th day of September, 2008

Industrial Dispute No. I. D. 19/2007

BETWEEN

The General Secretary,

(Sri N. Kistaiah)

Singareni Collieries Workers

Union (AITUC)

Mandamari-504231

.....Petitioner

AND

The General Manager,

M/s. Singareni Collieries Company Limited,

Mandamari Division,

Mandamari-504231

.....Respondent

APPEARANCES

For the Petitioner : NIL

For the Respondent: Sri Anjaneyulu, Law Assistant

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/27/2006-IR(CM-II) dated 22-2-2007 referred the following dispute between the management of Singareni Collieries Company Limited and their workmen, under Section 10(1)(d) of the ID Act, 1947 for adjudication to this Tribunal. The reference is:—

SCHEDULE

"Whether the action of the management of M/s. Singareni Collieries Company Limited, Mandamari Division, Mandamari in not granting additional SPRA (Special Piece Rate Allowance) w.e.f. 17-9-89 Sri Makara Gattaiah is legal and justified? If not, to what relief is the workman entitled?"

2. The case is called out several times after repreated intervals. None appeared for Petitioner Respondent's representative present. Petitioner has not submitted his claim statement although several opportunities has been given to him. The case is pending since March, 2007. He is absent today also. No application for adjournment has been filed. As such, it appears that the Petitioner is not interested to pursue this case.

3. Accordingly, this case is being closed and this Court is of view that the Petitioner deserves no relief in respect of the matter in reference. Hence, 'Nil' Award is passed.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her, corrected and pronounced by me on this the 4th day of September, 2008.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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Nil

Nil

Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 29 सितम्बर, 2008

का.आ. 2958.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधनसंग के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/प्रम न्यायालय, हैदराबाद के पास (संदर्भ सं. 20/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-2008 को प्राप्त हुआ था।

[सं. एल-22012/43/2006-आईआर(सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 29th September, 2008

S.O. 2958.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/2004) of the Central Government Industrial Tribunal/Labour Court, Hyderabad, as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Co. Ltd. and their workmen, received by the Central Government on 29-9-2008.

[No. L-22012/43/2006-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT
AT HYDERABAD**

**PRESENT : SHRI VED PRAKASH GAUR, Presiding
Officer**

Dated the 4th day of September, 2008

Industrial Dispute No. 20/2007

BETWEEN

The General Secretary,
Singareni Collieries Employees Union
Kothagudem Branch, CITU Office,
Ramatalkies Road,
Kothagudem-507101

.....Petitioner

AND

The General Manager,
M/s Singareni Collieries Company Limited,
Kothagudem area,
Kothagudem P.O. Respondent

APPEARANCES

For the Petitioner : NIL.

For the Respondent : Sri Anjarevula, J.W. Assistant

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/348/2006-IR(CM-II) dated 2-3-2007 referred the following dispute between the management of Singareni Collieries Company Limited and their workmen under section 10(1)(d) of the ID Act, 1947 for adjudication to this tribunal. The reference is:

SCHEDULE

"Whether the action the management of M/s Singareni Collieries Company Limited, in regard of promotion as Chargehand (Mechanical) in technical Dr. 'C' w.e.f. 1-9-1998 to Sri G. Venkateswara, Father, category VI, HCP Mine, Kothagudem is legal and justiciable? If not, to what relief is the workman entitled and from whom?"

2. The case is called out several times after repeated intervals. None appeared for Petitioner. Respondent's representative present. Petitioner has not submitted his claim statement although several opportunities have been given to him. The case is pending since March, 2007. He is absent today also. No application for adjournment has been filed. As such, it appears that the Petitioner is not interested to pursue this case.

3. Accordingly, this case is being closed and this Court is of view that the Petitioner deserves no relief in respect of the matter in reference. Hence, 'Nil' Award is passed.

Dictated to Smt. P. Phani Gowda, Personal Assistant transcribed by her, corrected and prepared by me on this the 4th day of September, 2008.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner

Witnesses examined by the
Respondent

Nil

Nil

Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

कांगड़ा, 29 सितम्बर, 2008

कांगड़ा, 29 सितम्बर, 2008
एम.इ.सी.प्ल. के प्रथमनंबर के संवद निवेदकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धृष्ण ज्यायालय, जबलपुर के पंचाट (संदर्भ सं. 124/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-2008 को प्राप्त हुआ था।

[सं. क्र. 12012/348/2001-आईआर(संगम-1)]

अजय कुमार गौड़, डैस्ट्रिक्ट अधिकारी

New Delhi, the 29th September, 2008

S.O. 2959. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 124/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, ashown in the Annexure, in the industrial dispute between the management of Johilla Area of SECL and their workmen, which was received by the Central Government on 29-9-2008.

[No. L-22012/348/2001-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No. 4 G.I.T.L.C/R/124/2002

Presiding Officer : Shri C. M. SINGH

The Secretary,
R.C.W.F., Branch-Newazabad,
Distt. Umaria (MP)
Umaria (MP). Workman/Union

Versus

The General Manager,
Johilla Area of SECL,
P.O. : Newrozabad,
Distt. Umaria (MP). Management

WARD

Passed on this 3rd Day of September, 2008

I. The Government of India, Ministry of Labour vide its Notification No. L-22012/348/2001-IR (CM-II) dated 20-8-2002 has referred the following dispute for adjudication by this tribunal :—

"Whether the demand of the RCWF from the management of SECL, Johilla Area that Sh. R.C. Tripathi, Electrician Category V, may be promoted to

- Category VI is just, fair and proper? If so to what relief is the workman entitled and from what date?"
2. Vide order dated 27-9-2005 passed on the ordersheet of this reference proceeding, the reference proceeded *ex parte* against the workman/Union.
3. The case of the management in brief is as follows. That the workman was initially appointed as General Mazdoor. Subsequently he was promoted to Electrical Helper Cat-II. That again he was given promotion to the post of Electrical Category-IIInd, IVth and Vth. While he was working as Electrician Category-V, he claimed next promotion. The promotion of Electrician Cat-V to Cat-VI is considered in accordance with I.I. No. 30 of NCWA which provides policy of promotion from Electrician Cat-V to Cat-VI. The promotion is given on the recommendation of DPC, availability of sanctioned post and administrative requirement. The case of the workman alongwith other eligible Departmental candidates was considered by DPC which was held on 1-11-2000. The DPC did not recommend the promotion of the workman. It seems that workman has compared his case with other employees namely Shri P.K. Mazumdar and Shri Md. Salim. That the workman cannot compare his case with Shri Mazumdar and Shri Md. Salim. The DPC conducted the trade test and Shri P.K. Mazumdar and Shri Md. Salim obtained more marks than Shri Tripathi, hence the committee recommend their names for promotion to the post of Electrician Cat-VI and Shri R.C. Tripathi could not be promoted as there was no vacancy. The terms of reference are whether the demand of RCWF from the management of SECL, Johilla Area that Shri R.C. Tripathi, Electrician Cat-V be promoted to Cat-VI. That Shri R.C. Tripathi has been given promotion vide office order dated 10-5-2002 therefore the order of reference has become infructuous.
4. The management in order to prove their case filed affidavit of their witness Shri A.V. Bhingardive then working as Dy. Personnel Manager in Johilla Area.
5. I have heard Shri A.K. Shashi, Advocate for the management and considered the evidence on record.
6. The case of the management is fully established and proved from the uncontroverted and unchallenged affidavit of their witness Shri A.V. Bhingardive. Therefore the reference deserves to be decided in favour of the management and against the workman/Union without any orders as to costs.
7. In view of the above, the reference is answered in favour of the management and against the workman/Union without any orders as to costs holding that the demand of RCWF from the management of SECL, Johilla Area that Shri R.C. Tripathi Electrician

- Category V may be promoted to Category VI is not just, fair and proper. Consequently the workman is not entitled to any further relief.
8. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 29 सितम्बर, 2008

का.आ. 2960.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्यकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय, जबलपुर के पचाट (संदर्भ सं. 46/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-2008 को प्राप्त हुआ था।

[सं. एल-22012/34/1996-आईआर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 29th September, 2008

S.O. 2960.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.46/1997) of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 29-9-2008.

[No. L-22012/34/1996-IR(C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/46/97

Presiding Officer : SHRI C. M. SINGH

The General Secretary/President,
R.K.K.M.S., Sohagpur Area,
Post Dhanpuri,
Distt. Shahdol (MP). Workman/Union

Versus

The General Manager,
Sohagpur Area of SECL,
Post Dhanpuri,
Distt. Shahdol (MP). Management

AWARD

Passed on this 28th day of August, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/34/96-IR(C-II) dated 24-2-97 has referred the following dispute for adjudication by this tribunal:

"Whether the action of the Sub Area Manager, Chachai, Group of Mines of Sohagpur Area of SECL, in reverting Sh. Bikai Prajapati from the post of Clerk Grade-III to Trammer Grade-III and in transferring him from Sohagpur Area to Hasdeo Area of SECL is legal and justified? If not, to what relief is the workman entitled?"

2. The case of the Union Shri Bikai Prajapati Union's brief is as follows. That Shri Bikai Prajapati was working as Clerk Grade-III in Chachai Group of Mines of Sohagpur Area of SECL and was Executive member of RKKMS, Sohagpur Area. The General Manager of Sohagpur Area was unlawfully planning to close down one of its units, the Rungta Mines. The workers of Rungta Unit through Union legally agitated against the above unlawful and uncalled for act in view of closure of the unit and all the Units resorted to a "Dharna" at the JF Mine and a group of workers sat over the main building rope thereby stopping the production. The workman Shri Bikai Prajapati, an active trade Unionist and worker on the report of the management was taken into custody by the police and later released. He was charged vide letter No. SECL/MGR/NB/94/03/1766 Dated 14/15-9-94 for hampering the production. After enquiry, the workman was relieved of duty on 14-10-94 in pursuance of the order dated 8-10-94 through which he was reverted back on the post of Clerk Grade-III to Trammer Category-III as manual labour with confirming chargesheet and later on he was transferred from Sohagpur Area to Hasdeo Area. The management is unlawful in its action for imposing punishment on the workman and the said order is void-ab initio. The said action of the management was with a view to further create an atmosphere of terror among the workers in general to abase themselves before the trade unionist. With this prayerd that the order passed by the management needs to be quashed.
3. The case of the management in brief is as follows. The workman was converted by way of punishment

at a settlement. Therefore 2nd part of the reference has become infructuous. The workman was initially appointed as PR Labourer. He was selected to the post of Trammer Category-III. That the workman selected to the post of Clerk Grade-III and accordingly his cadre was changed. While working as Clerk Grade-III at Vivek Nagar in Chachai, Sohagpur Area, he was issued with a chargesheet dated 13/17-8-92 for theft, fraud or dishonesty in connection with the employer's business or property and also of willful neglect of work. A departmental enquiry was conducted against him into the charges properly and legally. The charges stood proved against him and the Competent Authority after having considered the enquiry report and relevant papers imposed punishment of demotion to the previous post i.e. Trammer, Cat-III on the workman. That the workman is not entitled to the relief claimed.

4. Vide order dated 27-2-2007 passed on the ordersheet of this reference, the reference proceeded ex parte against workman/Union.
5. The management in order to prove their case filed affidavit of their witness Shri V.V. Mahajan, then working as Dy. Personnel Manager at Amlai and Bangwar Sub Area in SECL, Nohagpur Area.
6. I have heard Shri A E. Hussin, Advocate the learned counsel for the management. I have very carefully gone through the evidence on record.
7. The case of the management is fully established and proved from the uncontroverted and unchallenged affidavit of their witness, Shri V.V. Mahajan. Therefore the reference deserves to be answered in favour of the management and against the workman/Union.
8. In view of the above the reference is answered in favour of the management and against the workman/Union without any order as to costs holding that the action of the Sub Area Manager, Chachai Group of Mines of Sohagpur Area of SECL in reverting Sh. Bikai Prajapati from the post of Clerk Grade-III to Trammer Grade-III and in transferring him from Sohagpur Area to Hasdeo Area of SECL is legal and justified and consequently the workman is not entitled to any relief.
9. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

नई दिल्ली, 29 सितम्बर, 2008

का. आ. 2961.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीनियर सुपरिनटेंडेन्ट ऑफ पोस्ट ऑफिस के प्रबंधतात्र के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के एव्हाट (संदर्भ सं.) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-2008 को प्राप्त हुआ था।

[सं. एल-40012/181/92-आईआर(डीयू)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 29th September, 2008

S.O. 2961.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Chennai as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Sr. Superintendent of Post Offices and their workman, which was received by the Central Government on 29-9-2008.

[No. L-40012/181/92-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, CHENNAI-600104

Monday, the 23rd day of June, 2008

Present : Thiru A. Arumugasamy, B.A., M.L., Presiding Officer, Industrial Tribunal

Industrial Dispute No. 6 of 1994

(In the matter of dispute for adjudication under Sec. 10(1)(d) of the Industrial Dispute Act, 1947 between the Workman and the Management of Sr. Supt. of Post Offices, Kanyakumari Division, Nagercoil, Tamil Nadu).

BETWEEN

Thiru D. Devanesan,
Extra Departmental Delivery Agent,
Rannumamoodu Branch Office,
Kanyakumari, Distt-629 001 ...Petitioner/Union

AND

The Sr. Supt. of Post Offices,
Kanyakumari Division,
Nagercoil, Tamil Nadu -629 001 ...Respondent/Mgt.

Reference : Order No. L-40012/181/92-IR(DU) dated 21-1-1994, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal, upon perusing the Reference and other connected papers on record, Claimant/Petitioner is died on 5-9-2004. The claim itself for reinstatement became infructuous. Hence Claim is abated and this Tribunal made the following.

AWARD

The Government of India have referred the following issue for adjudication by this Tribunal :

"Whether the action of the Senior Superintendent of Post Offices, Kanyakumari in terminating the services of Shri D. Devanesan w.e.f. 20-9-1990 is justified ? If not, to what relief is the workman entitled ?"

Claimant/Petitioner died on 5-9-2004. The claim itself for reinstatement became infructuous. Hence the Claim is abated. Death Certificate Ex. MI is marked. Hence Reference is closed as abated. Award passed. No. costs.

Dated at Chennai, this 23rd day of June, 2008

THIRUA. ARUMUGASAMY, Presiding Officer

नई दिल्ली, 29 सितम्बर, 2008

का. आ. 2962.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बेतवा रिवर बोर्ड के प्रबंधतात्र के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के एव्हाट (संदर्भ सं. 88/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-2008 को प्राप्त हुआ था।

[सं. एल-42011/13/97-आईआर(डीयू)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 29th September, 2008

S.O. 2962.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 88/98) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Betwa River Board, and their workman, which was received by the Central Government on 29-9-2008.

[No. L-42011/13/97-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI R. G SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHRAM BHAWAN, ATI CAMPUS, UDYOG NAGAR, KANPUR

Industrial Dispute No. 88 of 1998

In the matter of dispute between :—

Sri Siya Ram Verma
General Secretary
Workcharge Karamchari Sangh
Betwa River Board
Rajghat Bandh Pariyojna, Rajghat, Lalitpur.

AND

The Chief Engineer
Betwa River Board
Rajghat Bandh Pariyojna, Jhansi

AWARD

1. The Central Government M.O.L New Delhi, vide notification No. L-420/1/13/97 IR(DU) dated 01-04-98 has referred the following dispute for adjudication to this tribunal.

"Whether the action of G.S.C. Lower Council, Bangalore, Rajghat in not regularizing the services of Sri Krishnam and ten others is legal and justified? If not to what relief the concerned parties is entitled for?"

2. It is very interesting to note in the present case that a bare perusal of the entire statement of claim of the union would go to show that it has not at all been mentioned as against which post the workers involved in the reference order are working and against which post they are claiming wages equal to regular employee of the opposite party. It is also not clear either from the reference order or from the pleadings of the workers that as to from which date they should be directed to be regularized in the services of the post. Thus virtually it is clear that the workers are not in the know of the fact as to against which post they are working under the opposite parties and from what date they are claiming their regularization of services or against which post they should be given regular salary. It is settled legal position of law that evidence of a party can be used only in context of the pleading and not beyond that by a court of law. Therefore, from this point of view there remains hardly any need to detail other facts of the case and to discuss the evidence of the parties as in that event too the claim will be decided against the union for the reasons indicated above.

3. In view of what has been discussed above, it is held that the claim of the union in respect of the workers involved in the case appears to vague and meaningless and therefore, the union cannot be held entitled for the relief claimed by him. The reference, therefore, is bound to be answered against the union and in favour of the opposite party.

R.G. SHUKLA, Presiding Officer

नई दिल्ली, 29 सितम्बर, 2008

का. आ. 2963. अंग्रेजिक विवाद अधिनियम, 1947 (1947 का 14) की शाप 17 के अनुसार में केन्द्रीय सलाहकार एडिटर, गवर्नमेंट पिल्ट को प्रबंधित के खंडद्वारा नियंत्रित होने और उनके काम के बीच, अनुबन्ध में विस्तृप्त अंग्रेजिक विवाद में केन्द्रीय सलाहकार औद्योगिक अधिकरण, ग्रन्थ व्यापार व्यापार विवाद के दबावों के ललसीआईडी-128/2006 को प्रकाशित करते हैं, जो केन्द्रीय सलाहकार को 29-9-2008 को प्राप्त हुआ था।

सं. रज. - 16025/1/2008-3/अ/इन्ड/होम।

अजय कुमार, एका ना. 4, P

New Delhi, the 29th September, 2008.

S.O. 2963.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID-128/2006) of the Central Government Industrial Tribunal/ Labour Court, Hyderabad, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of India Government Mint, and their workman, which was received by the Central Government on 29-9-2008.

[S. O. L-16025/1/2008-IR(DU)]

—RAJKUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, C.I.M. LABOUR COURT
AT HYDERABAD**

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 11th day of September, 2008

Industrial Dispute No. L.C.I.D. 128/2006

BETWEEN

Sri A. Venkataramana,

S/o A. Ratnulu,

R/o No. 18-6-1021,

Lajdarwaza, Hyderabad-500 023

...Petitioner

N.D.

1. The Secretary,
Government of India,
M/o Finance,
D/o Economic Affairs,
New Delhi-110011

2. The General Manager,
India Government Mint
IDA Phase II, Cherlapadu
Hyderabad

...Respondents

APPENDIXES

For the Petitioner : Smt. S. Vijaya Sekhar Reddy,
G. Ravinder Reddy, Y. Ranjeeth
Reddy and S. Vijaya Venkatesh,
Advocates.

For the Respondent : Sri P. Raveender Reddy,
Advocate for R2

AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. G. Kannappa and M/s. Cotton Corporation of India and two others and numbered in this Court as L.C.I.D. No. 112/2003 and notices were issued to the parties.

2. Petitioner submitted in his petition that he was sponsored by employment exchange in response to the notification issued by the Respondent calling for the post of Quality Control Assistant. After undergoing the selection procedure the Petitioner was appointed as Quality Control Assistant in Group "C" vide proceedings No. I-240/Per/03/761 dated 17/21-5-2003. Later, he was terminated vide Diary Order No. 8 dated 1-6-2004 by the 2nd Respondent without notice. He prays this Court to set aside the above Diary Order No. 8 and direct the Respondents to reinstate him into service with all other benefits.

3. In the counter the Respondent submitted that the Petitioner's appointment is on ad-hoc basis in the scale of Rs. 4000-100-6000 for a period of one year vide Diary Order No. 12, dated 31-5-2003 on his acceptance of his offer of appointment duly accepting the terms and conditions stipulated to the said letter and he was terminated along with others w.e.f. 1-6-2004 vide Diary Order No. 8 dated 1-6-2004.

4. At this stage, the R2 has to file counter in this case, the Petitioner filed memo on 10-9-2008 to advance the date of adjournment to 11-9-2008 instead of 22-10-2008, which was allowed. On 11-9-2008, i.e., today the Petitioner filed memo to withdraw his claim petition due to family and financial problems.

5. Heard since, workman is not interested to proceed with this case on his own accord, workman is permitted to withdraw his petition as desired by him. Hence, this petition is dismissed.

Award passed accordingly, Transmit.

[Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 11th day of September, 2008.]

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 29 सितम्बर, 2008

का. आ. 2964.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की खारा 17 के अनुसार में केन्द्रीय सरकार हिन्दुस्तान एयरोनॉटिक्स लिमिटेड के प्रबंधतंत्र के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद

में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचात (संदर्भ सं. 38/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-2008 को प्राप्त हुआ था।

[सं. एल-14012/2/2006-आईआर(डीयू)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 29th September, 2008

S.O. 2964.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 38/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Hindustan Aeronautics Limited, and their workman, which was received by the Central Government on 29-9-2008.

[No. L-14012/2/2006-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 17th day of September, 2008

Industrial Dispute No. 38/2006

BETWEEN

The General Secretary,
HAL Karmik Sangh,
Flat No. 4, Umanagar,
Old Airport Road, Bowenpally,
Secunderabad.

...Petitioner

AND

The General Manager,
M/s. Hindustan Aeronautics Limited,
Balanagar, Hyderabad

...Respondents

APPEARANCES

For the Petitioner : M/s. P. B. Vijay Kumar, A. V. S. Laxmi and P. L. Bhanu Prakash, Advocates.

For the Respondent : M/s. K. Srinivasa Murthy and V. Umadevi, Advocates.

AWARD

The Government of India, Ministry of Labour by its order No. L-14012/2/2006-IR(DU)dated 30-6-2006 referred the following dispute under section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Hindustan Aeronautics Limited and their workman. The reference is :

SCHEDULE

"Whether the action of the management of M/s Hindustan Aeronautics Limited, Hyderabad (AP) in denying semi-skilled category and wages to Sri B. Shiva Shanker, Casual Worker, Hyderabad is legal and justified ? If not, to what relief the workman concerned is entitled and from what date?"

The reference is numbered in this Tribunal as I.D. No. 38/2006 and notices were issued to the parties.

2. The Petitioner filed claim statement stating that he was appointed as plumber in the year 1981. Later the Respondent fixed his wages in the category of semi-skilled and thereafter fixed his daily-wage as Rs. 110/- Subsequently, the Respondent management has entered into an agreement dated 23-7-2003 with HAL workers union in respect of casual workers and it was agreed to enhance the daily wages to unskilled casual workers and the said clause applies to the Petitioner workman also but he was denied. Aggrieved by this, he approached the Assistant Labour Commissioner(C), Hyderabad, who sent a failure report of conciliation to the Ministry of Labour and Employment, hence, this industrial dispute. He prays this Court to direct the Respondent to allow him semi-skilled category and pay wages of semi-skilled category.

3. The case has been posted for filing of counter and documents by the Respondent on today i.e., 17-9-2008, but the counsel for the Petitioner filed memo today, i.e., 17-9-2008 stating that the case is settled out of court. The management came up with a settlement to regularize Sri B. Shiva Shankar and 45 other similarly placed workers and to that effect he filed letter No. HAL ID 402 2 IR/08 dated 3-6-2008 by the Respondent to the counsel for the Petitioner for withdrawal of the industrial dispute as the matter was settled out of court. Hence, the ID is closed as withdrawn as requested.

Accordingly an Award is passed, Transcrip-

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 17th day of September, 2008.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

**Witnesses examined for
the Petitioner**

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 29 सितम्बर, 2008

का. आ. 2965.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की थार 17 के अनुसार में केन्द्रीय याकार क्षेत्रीय किसान ग्रामीण बैंक के प्रबंधतात्र के संबद्ध नियोजनों द्वारा उनके

कर्मकारों के बीच, अन्त में मैट्रिक औद्योगिक विवाद में जनरल सरकार औद्योगिक अधिनियम अनुसार, अन्त में अन्त में अन्त में सं. 139/1999) को अवधार करती है, जो इसीपर यहाँ पर 29-9-2008 को प्राप्त किया गया है।

कानूनी नं. 012-09/1999-325/2008, दि. 3/3

कानूनी नं. 012-09/1999-325/2008, दि. 3/3

New Delhi, the 29th September, 2008

S.O. 2965. In pursuance of Section 3 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 19 1999) of the Central Government Industrial Tribunal, Labour Court, Kathiawad shown in the annexure to the Industrial dispute between the management of Kshetra Kisan Gramin Bank, and the workmen, which was received by the Central Government on 29-9-2008.

प्रा. 1-12912-69-1999-IRG-13

JAY KUMAR DEWAN, QM

ANNEXURE

**BEFORE SRI R. C. SHUKLA, PRESIDENT,
OFFICE OF CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, 2001 LABOUR
COURT SHREYA BHAVAN, ATC CAMPUS,
UDYOG NAGARI, KANPUR**

Industrial Dispute No. 139/1999

In the matter of dispute: Petitioner,

Sri Ram Naresh,
Village Jaisal, Post - Bihari, Jodhpur
District Firozabad

AND

The Chairman,
Kshetra Kisan Gramin Bank,
Kuchehari Road
Mainpuri.

AWARD

1. Central Government, New Delhi, vide Notification No. L-139/12-69/99IRG-13 dated 21-9-2008 referred the following dispute for adjudication to this tribunal:—

"Whether the action of the management of Kshetra Kisan Gramin Bank Mainpuri in terminating the services of Sri Ram Naresh is legal and justified? If not to what relief the workman is entitled?"

2. The case of the workman in short is that opposite party opened its branch at Belahar in District Mainpuri in December. The workman was appointed by the Chairman of the bank as messenger and posted at Belahar where he reported for duty on 1-12-1994. It has also been pleaded by the workman that the Chairman of the Bank is the appointing authority of the staff of the bank. The workman

was required to perform his duties during business hours like other workers but the opposite party instead of making wages to the workman like regular employee paid Rs.10/- per day excluding Sundays and Holidays. The action of the opposite party bank is an act of unfair labour practice. It has also been pleaded by the workman that he was the only person working at the said branch of the bank at the post of messenger and that in this way he had worked continuously from 3-12-94 to 3-11-95, when his services were brought to an end orally by the branch manager of the opposite party bank. At the time of dispensation of his services, he was neither paid notice pay, notice or retrenchment compensation thereby the opposite party have breached the provisions of the Act which action of the bank is liable to be set aside. On the basis of above pleadings it has been prayed by the workman that he be reinstated in the services of the opposite party at the post with full back wages, continuity of service and all other consequential benefits be also awarded to him.

3. The claim of the workman has been vehemently opposed by the opposite parties on a number of grounds; *inter alia*, that no officer of the bank is competent to appoint any person against any regular or permanent post de-horing the provisions of recruitment rules, that the workman has never been underwent to any such regular selection process; that no appointment letter was ever issued by the opposite party in favour of the workman; that the workman had never been paid regular wages against any post; that the workman had been engaged on daily rate basis by the opposite party bank as per need of casual basis; that the workman never performed the regular and permanent work of the bank; that the workman being a daily rated casual employee has no legal right or claim for appointment in the bank and lastly that bank have never indulged itself in unfair labour practice in the case of the workman. Lastly it has been pleaded that the claim of the workman is devoid of merit and is liable to be rejected.

4. Workman has also filed rejoinder but therein nothing new has been pleaded in it except reiterating the facts already pleaded by him in his statement of claim.

5. The workman apart from filing of documentary evidence has also examined himself as W. W.I and on the other hand the management also besides filing of documentary evidence has examined its witness as W. W.I

6. I have heard the arguments advanced by the contesting parties at length and have also perused the record of the case carefully.

7. From the own pleadings of the workman and evidence led by him it is quite obvious that the workman was engaged by the opposite party bank on daily rate basis and there is also no denying fact that the workman performed the work on need basis.

8. Therefore in view of the above admission of the workman it is established that he was a daily rated casual

employee of the opposite party. There is also no dispute about the fact that he was never subjected for any regular selection process against any regular or permanent post. The controversy as to whether a daily rated casual employee, temporary employee or ad-hoc employee has any legal right to claim employment has now finally set at rest by the Hon'ble Supreme Court of India, in leading case of Smt. Uma Devi, wherein it has been held that a temporary, ad-hoc or daily rated casual employee has no right to claim public employment without facing due selection process prescribed under recruitment rules. In any view of the matter if according to the own case that he was a daily rated employee of the opposite party, the law laid down by the Hon'ble Supreme Court of India apply with full swing to the case of the workman and therefore, he cannot claim appointment against any post under the opposite party.

9. There is yet another aspect of the matter that is there is no mention regarding date of termination of the workman in the reference order itself. In any case if the tribunal is of the opinion that the action of the opposite party bank is neither legal nor just then normal question arises before the tribunal to consider as to from which date the workman's termination be held illegal and unjust. From this point of view also the workman cannot be granted any relief as claimed by him.

10. For the reasons disclosed above, the claim of the workman appears to be devoid of merit and is liable to be rejected. Accordingly it is held that the action of the management in terminating the services of the workman is neither illegal nor unjust. Consequently the workman is held not entitled for any relief as claimed by him and the reference is answered in negative and in affirmative in favour of the opposite party.

R. G. SHUKLA, Presiding Officer

नई दिल्ली, 29 सितम्बर, 2008

का. आ. 2966.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार फेडरल बैंक लि. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय इनकालूम के पांचाट (संदर्भ सं. 275/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार द्वारा 29-9-2008 को प्राप्त हुआ था।

[सं. एल-12012/249/1994-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 29th September, 2008

S.O. 2966.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 275/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam, as shown in the Annexure, in

the Industrial dispute between the management of Federal Bank Ltd., and their workmen, received by the Central Government on 29-9-2008.

[No. L-12012/249/1994-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT : Shri. P. L. Norbert, B. A., LL.B.,
Presiding Officer

(Wednesday the 9th day of July 2008/18th Ashada 1930)

I.D. No. 275/2006

(I.D. 8/1996 of Labour Court, Ernakulam)

Union : The General Secretary,
Federal Bank Staff Union,
Champion Building, bank Junction,
Aluva-683 101.

By Adv. Sri. Ashok B. Shenoy.

Management : The Chairman,
Federal Bank Limited,
Head Office, Aluva-683 101.

By advs. M/s. B. S. Krishnan Associates.

This case coming up for final hearing on 25-06-2008, this Tribunal-cum-Labour Court on 09-07-2008 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act 1947. The reference is :—

"Whether the action of the management of M/s. Federal Bank Limited, Aluva in imposing punishment of postponement of increment by a further period of 75 days with cumulative effect as per Order No.L-41012/249/94-IR,(B-I) of Govt of India dated 23-07-96, and imposition of stoppage of increment for a period of 6 months on Sri C.C.Dinesh, Clerk, Girinagar branch is justified or not? If not to what relief the workman is entitled?"

2. The facts of the case in brief are as follows: Sri C.C.Dinesh, a Clerk of Federal Bank, Ernakulam, Girinagar branch was issued with a memo dated 24-04-1991 which was modified by memo dated 19-06-1991 alleging unauthorised absence and breach of instructions for running any department. Subsequently another memo dated 16-09-1991 was also issued to him alleging the same misconduct. A joint enquiry was ordered. The enquiry officer found the workman guilty of the charges. The disciplinary authority concurred with the findings of Enquiry officer and imposed the punishment of stoppage

of increment for a period of 6 months without cumulative effect and postponement of increment by a further period of 75 days with cumulative effect. It is under challenge in the reference.

3. According to the union the findings of the Enquiry Officer are perverse. The charges are vague. The charge sheets were not accompanied by list of documents or witnesses relied on by the management. No proper enquiry was conducted by the Enquiry Officer. Material witnesses and evidence were suppressed in the enquiry. Proceedings have not been fully recorded. The Enquiry Officer himself has amended the charges in the midst of enquiry. The Enquiry Officer has not properly adverted to the evidence on record. The enquiry Officer conducted the enquiry with a biased mind. The leave applications were not disposed of by the sanctioning authority. Hence the absence cannot be treated as unauthorized. The workman had submitted leave applications on time. The direction of the bank to produce medical certificates from a government doctor not below the rank of D.M.O., was impractical. The punishment imposed is illegal and in violation of the Bipartite Settlement. The punishment at any rate is excessive and disproportionate. The workman was not heard by the Disciplinary Authority. The findings and punishments are liable to be set aside.

4. According to the management the claimant union is a minority union and incompetent to espouse the cause of the worker. The workman was in the habit of remaining absent un-authorisedly. It has affected the smooth functioning of the bank. He was not in the habit of submitting leave applications on time or obtaining prior permission for availing leave. He was subjected to medical examination at the instance of the management and the medical information was that he was not suffering from any illness which required rest. Hence by letter dated 21-11-1989 he was directed to produce medical certificates from a government doctor not below the rank of D.M.O. whenever he required leave on medical grounds. But he never complied with that direction. For the absence he was proceeded against on earlier occasions also and was punished twice with censure. Despite he continued to be absent un-authorisedly. Hence two charge sheets were issued and a joint enquiry was ordered. The Enquiry Officer found on the basis of the records that his absence was unauthorised. The disciplinary authority considering the nature of the misconduct imposed the punishment of stoppage of increment without cumulative effect for 6 months after hearing the workman on punishment. There is no illegality in the order of punishment. When the enquiry was pending the workman was again absent from 03-03-1992 to 03-06-1992 on various occasions. He was subjected to further medical examination by the bank. The report of the doctor was that he was not suffering from any major illness and he was fit to work. He was directed by memorandum dated 24-04-1991 and 19-06-1991 to explain

why his absence for 75 days shall not be treated as unauthorised. There was no reply. Hence his absence for 75 days was treated as unauthorised. When his absence was ordered to be treated as unauthorised the postponement of the date of increment is automatic and it is not a punishment imposed by the bank. There is no illegality in the action of the management. Therefore, there is no need to interfere with the findings of Enquiry Officer or the order of punishment of Disciplinary Authority.

5. In view of the above contentions the following points arise for consideration:

1. Are the findings of Enquiry Officer sustainable?
2. Is the punishment of stoppage of increment for a period of 6 months without cumulative effect legal?
3. Is the order of postponement of increment for a period of 75 days a punishment. If not, is the procedure proper?

The evidence consists of the oral testimony of MW I and documentary evidence of Exts.M-1 to M -9 on the side of the management and no evidence on the side of the union.

6. Points No. 1&2:—The workman Sri.C.C.Dinesh admittedly remained absent for 12 days intermittently between 19-02-1991 and 04-04-1991. Though he submitted leave application, on the ground that it was not submitted on time and was not accompanied by a medical certificate from a doctor not below the rank of D.M.O., the management proposed to initiate disciplinary action and issued a memo dated 24-04-1991 which was subsequently amended by memo dated 19-06-1991 alleging absence without leave and breach of Instruction for running any department.

7. Ext. EX-1 is the charge sheet dated 24-04-1991 and EX.2 is the amended charge sheet dated 19-06-1991. He had submitted a reply which is Ext.MEX-4. Subsequently another charge sheet was issued on 16-09-1991 alleging the same nature of misconduct for being absent for 8 days intermittently between 30-05-1991 and 10-08-1991. Ext. EX3 is the charge sheet. This absence was also treated as unauthorized on the same ground and proposed to initiate enquiry. Both charges were considered together in a joint enquiry. The workman was defended by the union Secretary. At the time of hearing the learned counsel for the union laid stress on the perversity of findings. According to the learned counsel the workman had submitted leave applications with medical certificates whenever he took leave. It was impossible for an ordinary person to approach D.M.O., to get himself examined and to get a medical certificate. Hence he was submitting medical certificates of his family doctor whenever he applied for sick leave. This contention of the union is refuted by the management. The learned counsel for the management

submits that he has never complied with the leave rules or submitted leave applications on time or obeyed the direction of the management. Ext. MEX-6 to 8 and 13 to 30 are leave applications, medical certificates and certificates of fitness submitted by the workman on various occasions for availing leave. They were applications for sick leave. They were submitted only whenever he resumed duty after his leave. There is no evidence to show that he was in the habit of intimating the bank prior to his leave. Ext. MEX-12 is a circular dated 31-03-1987 which stipulates that sick leave shall be granted only on production of medical certificate acceptable to the bank. It is further stipulated that whenever an employee absents from duty on health ground and applies for sick leave, medical certificate should be forwarded without delay indicating the probable period of absence. Assuming that the workman fell sick all on a sudden and had no time to apply in advance still he could have forwarded the medical certificate at least during the period of leave. He was residing very near to the branch where he was working. But consistently he was applying for leave whenever he resumed duty. This is against the circular Ext. ME-12. Chapter XIII of first Bipartite Settlement of 1966 deals with leave rules. As per clause 13.2 one has to apply for leave one month in advance, except in urgent cases or unforeseen circumstances like illness. Clause 13.6 says that leave of all kinds cannot be claimed as of right. The management has the discretion to refuse or revoke leave depending upon the exigency of service. Clause 13.33 says that all sick leave shall be granted on production of a medical certificate acceptable to the bank. It is the discretion of the bank to require an employee to produce a medical certificate from a particular doctor. The employee is bound to comply with the direction and is not enough to produce a certificate from a doctor of his choice. However the workman had not complied with the leave rules and the direction of the management to get a certificate from a doctor, not below the rank of a D.M.O. The absence and the reason for absence are admitted by the workman. It is on the basis of the records that the Enquiry Officer found the workman guilty of unauthorized absence and breach of instructions of the management. They are minor misconduct (19.7(a) and (d)} I find no reason to hold that the findings of enquiry officer are perverse.

8. The disciplinary authority considered the findings recorded by the Enquiry Officer and concurred with the findings. The workman was afforded opportunity of hearing regarding proposed punishment. Thereafter a final order was passed imposing the punishment of stoppage of increment for a period of 6 months without cumulative effect. The punishment imposed is in accordance with clause 19.8 of the settlement. There is no illegality in the order of punishment and there is no reason to interfere with the order of punishment either. Found accordingly.

Point No.3: It is to be noted that even after enquiry was conducted in pursuance to Ext.EX-1 and 3 charge she is

the workman continued to remain absent from 03-03-1992 to 03-06-1992 for long and short spells for a total period of 75 days. According to the management memoranda dated 24-04-1992, 19-05-1992 and 08-01-1993 (Exts.MEX-2 to 4) were issued to the workman regarding his absence. But there was no reply. The enquiry concluded on 17-01-1992. It is thereafter that the three memos were issued regarding the subsequent absence. Thus it was not part of domestic enquiry and the Inquiry Officer had not considered the absence during the period 03-03-1992 to 03-06-1992. No findings are also recorded regarding the absence from 03-03-1992 to 03-06-1992. However the disciplinary authority before passing the final order regarding punishment, besides the findings in enquiry, took into consideration the absence from 03-03-1992 to 03-06-1992 and recorded that the workman had remained absent during that period even after the enquiry. He was then given a memo to show cause why disciplinary action shall not be taken. He did not reply. Hence the disciplinary authority treated that absence as unauthorized on loss of pay. Therefore it was ordered that the increment has to be postponed for 75 days. According to the learned counsel for the management postponement of increment by 75 days is not a punishment but only an automatic consequence of absence without leave on loss of pay. The service condition stipulates that an employee on loss of pay shall not earn salary for the period of absence and his increment will fall due only after such period of absence. It has to be noted that an employee who has exhausted his leave at credit, if avails extra ordinary leave on loss of pay naturally increment will be postponed for such period of absence. Absence without leave is a minor misconduct under Clause 19.7(a) of Bipartite Settlement. Therefore the Disciplinary Authority was competent to order postponement of increment as per Clause 19.8 (C) of the Settlement, even if it is a punishment. Assuming it is not a penalty, then when absence without leave is treated as unauthorised and on loss of pay, as per service condition the next increment will fall due only after that period of absence on loss of pay. There is no illegality in the order.

In the result an award is passed finding that the action of the management in imposing the punishment of stoppage of increment for a period of 6 months and postponement of increment by a further period of 75 days with cumulative effect is legal and justified and the workman is not entitled for any relief.

The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 9th day of July, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for Union - Nil.

Witness for the Management

MW1 - 22-04-2002 Sri.Cyriac Joseph,

Exhibits for Union - NIL

Exhibits for Management

WI - Enquiry file against Sri Dinesh

M2 - 24-04-92 Copy of letter No.PIR/S-9/6127/92 of the Management to Sri Dinesh.

M3 - 19-05-92 Copy of letter No.PIR/S-9/777/92 of the management to Sri Dinesh.

M4 - 08-01-93 Copy of letter No.PIR/S-9/7358/93 of the management to Sri Dinesh.

M5 - 15-01-93 Copy of Order No.PIR/S-9/7410/93 of the Disciplinary Authority Issued to Sri Dinesh.

M6 - 16-02-93 Copy of letter No.PIR/S-9/7468/93 of the management to Sri Dinesh

M7 - Extract of Bipartite Settlement containing Chapter XIII Leave Rules.

M8 - 01-08-79 Extract of Bipartite Settlement pages 163 to 170.

M9 - Extract of Chapter V -Scale of Pay - from the book containing service conditions of Bank Employees page 10 to 16.

नई दिल्ली, 29 मित्रवर, 2008

का.आ. 2967.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसार में, केन्द्रीय सरकार फेडरल बैंक लि. के प्रबंधतात्र के संबंध नियंत्रज्ञ और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इराकूलम के नंबर (संभर्म मंख्या 178/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-2008 को प्राप्त हुआ था।

[सं. एल-12012/547/1998-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 29th September, 2008

S.O. 2967.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.178/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam, now as shown in the Annexure in the Industrial Dispute between the management of Federal Bank Ltd., and their workman, received by the Central Government on 29-9-2008.

[No. L-12012/547/1998-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri P. L. Norbert, B. A., LL.B.,
Presiding Officer

(Friday the 6th day of June, 2008/16th Jaishtha, 1930)

L.D. No. 178/2006

(L.D. 10/1999 of Labour Court, Ernakulam)

Workman : Shri. M. K. Pradeepkumar,
Ozhakkante House,
YMCA Road, Muvattupuzha.

By Adv. Sri. Ashok B. Shenoy.

Management : The Sr. Deputy General Manager (P & HRD),
M/s. Federal Bank Limited,
Head Office, Federal Tower,
Aluva-683 101.

By Adv. Sri. M. Pathros Mathai,

This case coming up for hearing on 23-05-2008, this Tribunal-cum-Labour Court on 6-6-2008 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :

"Whether the action of the management of Federal Bank Limited in dismissing the service of the workman Sri. M. K. Pradeepkumar w.e.f. 3-1-98 is justified? If not, what relief to the workman is entitled to?"

2. The facts of the case in brief are as follows: Shri. M.K. Pradeepkumar was a bankman of Federal Bank at Moovattupuzha branch. He was charge sheeted for misconduct of drunkenness, riotous, disorderly or indecent behaviour, willful insubordination or disobedience of superior officers, absence without leave, failing to show proper consideration, courtesy etc. to officers of the bank and theft of articles of the bank. An enquiry was ordered and he was suspended from service. He was found guilty of all the charges except one by the Enquiry Officer. This finding was accepted by the disciplinary authority and he was dismissed from service without notice. Though an appeal was filed he did not succeed. The workman challenges the enquiry and the findings. According to him the charges were vague, which prevented him from properly defending the case. The Enquiry Officer did not comply with the principles of natural justice. He was not given reasonable opportunity of defence. He was not allowed to inspect several crucial documents. Management witnesses and documents were introduced in peacemeal. Several

objections raised by the workman were not recorded by the Enquiry Officer. The findings are perverse and not based on evidence. No major misconduct have been proved. Therefore no major punishment should have been imposed on the workman. The punishment is highly disproportionate and harsh. The past service of the workman was not taken into consideration by the disciplinary authority. The workman is the sole bread winner of his family consisting of his wife and 2 school going children. The workman is without any job and his family is starving. He is entitled to be re-instated in service with consequential benefits.

3. According to the management the workman was an addict to alcohol. He used to attend duty in a drunken condition. He remained absent un-authorisedly on various occasions. He was not in the habit of wearing uniform. He abused officers of the bank, refused to obey the orders and directions of superiors. Alleging these misconduct two charge sheets were issued to him and an enquiry was conducted. The findings of the Enquiry Officer was that he was guilty of all but one charge. Considering the gravity of the misconduct he was dismissed from service. The charges levelled against him were specific and he understood the charges fully. The enquiry was conducted adhering to the rules and principles of natural justice. Sufficient opportunity was given to the workman to defend himself in the enquiry and an Advocate was allowed to represent the workman. Copies of all documents produced by the management were supplied to the workman. He was given sufficient opportunity to produce documents and bring witnesses. However he did not furnish any evidence. The workman had participated in the enquiry through out and all the management witnesses were cross-examined. Findings are based on evidence on record. The punishment is proportionate to the gravity of the misconduct and there is no reason to lighten the penalty.

4. In view of the above contentions the following points arise for consideration :

1. Is the enquiry valid?

2. Are the findings sustainable?

3. Is the punishment proportionate?

The evidence consists of Exts. M 1 Enquiry file alone.

5. Point No. 1:— At the time of dismissal of the workman he was working as bankman at Moovattupuzha branch of Federal Bank. The validity of enquiry is questioned on the ground that (1) there is violation of principles of natural justice, (2) copies of all relevant documents were not given to the workman, and (3) the evidence was adduced in peacemeal.

6. Though on the aforementioned grounds the enquiry is challenged by the workman at the time of hearing this issue was not seriously pursued, but preferred to argue

the matter on merits. That apart on going through the records I find that the workman was represented by an Advocate. He was supplied with copies of management documents. All the management witnesses were cross examined by the defence. Four adjournments were given to adduce defence evidence. Thus the Enquiry Officer had acted fairly and complied with the principles of natural justice. Hence I find that the enquiry is valid.

7. Point No. 2:—Two charge sheets were issued to the workman. They are Ext.E1 dated 06-04-1995 and Ext.E4 dated 11-11-1995 in Ext.M1 (enquiry file). Ext.E1 contains 8 charges and E4 one charge. The workman submitted Ext.E2 and E6 explanations to the charges. That was not satisfactory to the disciplinary authority and hence an enquiry was ordered. The Enquiry Officer found the workman guilty for all charges except charge No. 6 of the first charge sheet concurring with the findings of Enquiry Officer, the disciplinary authority dismissed the workman on 03-01-1998. The appeal filed by the workman was dismissed by the appellate authority on 11-05-1998. The learned counsel for the workman attacks the findings as well as the punishment. The major challenge is with respect to charge No. 5 of Ext.E1 as well as the charge in Ext.E4. Those charges relate to non-wearing of uniforms and attempted theft of fans. With respect to the remaining charges there is a general challenge that the findings are perverse. I will first deal with the charges which are seriously challenged by the learned counsel for the workman.

8. As per Ext. E 1, charge No. 5 is with regard to non-wearing of uniform on 20-03-1995 in the A.N. It is alleged that he was repeatedly advised on early occasions against the habit of not wearing uniform while on duty. The Enquiry Officer found that the workman had disobeyed the instructions of superior officers and continued to attend duty without wearing uniform and thus committed misconduct of disobedience of lawful and reasonable orders of superiors, falling within clause 19.5 of the first Bipartite Settlement. On a previous occasion the workman was issued with Ext.ME-1 letter advising him to wear uniform. Ext.ME-21 is copy of Ext.ME1 which contains acknowledgment of receipt of Ext.ME1. Ext.ME-3 is a memo dated 20-02-1995 issued to the workman by P & IR department instructing him to follow the rules of the bank regarding wearing of uniform. According to the management despite such instructions, advice and memo the workman did not make any improvement. Hence for the lapse on 20-03-1995 he was charge sheeted.

9. MW 1 Sr. Manager, MW2 Deputy Manager and MW 4 officer of the same branch have supported the case of the management that on 20-03-1995 in the A.N. the workman was not wearing uniform while on duty. They also stated that the workman was not in the habit of following the instructions of the bank regarding uniform. Ext.ME-2 is a letter sent by the Manager to the Deputy

General Manager P&IR on 17-02-1995 reporting that the workman was not obeying the directions of the Manager regarding wearing of uniform. Ext. M E-14 is a report regarding, among other things, the same issue by the branch manager to DGM, P & IR Department, Head Office on 20-03-1995. Ext.ME-17 is a similar report sent by the Manager to the Head Office on 29-03-1995. Ext.MH-19 is copy of Federal Bank Bulletin (relevant page). Clause 10 requires the members of the staff, who were supplied with uniforms to wear them in clean condition while on duty both inside and outside the office. Non-wearing of uniforms during the whole day or part of a day, will disentitle them for wages, besides being liable for disciplinary action. These instructions of the bank were not followed by the workman. It was argued by the learned counsel for the workman that non-wearing of uniform for a few hours of the day is not a serious misconduct and the management is trying to multiply the charges by including it in the charge sheet. But considering the previous conduct of the workman I don't think that the management has tried to surmount charges or the Enquiry Officer has found the workman guilty of charge No. 5 without anything on record.

10. But the learned counsel for the workman contended that the misconduct alleged is only a minor misconduct if at all the findings of the Enquiry Officer is accepted and therefore only a minor punishment can be imposed. The Enquiry Officer has opined that it is a misconduct of disobedience of lawful and reasonable orders of the management or of a superior officer, falling within clause 19.5(e) of first Bipartite Settlement. The Disciplinary Authority accepted this finding of the Enquiry Officer and imposed punishment of stoppage of increments for 2 years with cumulative effect. That is a penalty for gross misconduct within clause 19.6 (d) of first Bipartite Settlement. As per clause 7(p) of supplementary settlement dated 10-04-2002 to 7th Bipartite Settlement, non-wearing of uniform while on duty is treated as minor misconduct (Page 568 of "Bipartite Settlements", M/s. HPJ Kapoor Publication, 12th Edition). The punishments for minor misconduct are mentioned in clause 8 of the same settlement. As per that provision increment can be stopped only for a maximum period of 6 months. But the present disciplinary action relates to the year 1998 and the above Bipartite Settlement is of the year 2002 and hence has no application. So far as 1st Bipartite Settlement is concerned there is no specific provision in Clause 19.7 regarding non-wearing of uniforms. Therefore the submission of the learned counsel for the workman that it is only a minor misconduct, cannot stand. It is a misconduct of disobedience of lawful and reasonable orders of management falling within clause 19.5 (e) of first Bipartite Settlement and the punishment for gross-misconduct is provided in clause 19.6 which permits stoppage of increment for any period. Therefore the punishment with respect to charge No.5 is beyond challenge.

11. The next major challenge is in respect of charge in the 2nd chargesheet, Ext.E4. The allegation against the workman is that on 16-10-1995 around 3 p.m. he sought permission of Manager Administration, (MW3) to take empty jute bags for the purpose of some use at home. The manager permitted him. But the workman under the guise of taking the waste jute bags took an exhaust fan and a ceiling fan (without leaves) by concealing them in a jute bag. The fans were lying in the stationery room. MW3 went to the stationery room to see what was being taken by the workman. When the jute bag was lifted by the workman the bag seemed to contain something heavy. So it was examined by MW3 and he found the fans. Ext.ME-20(b) is a report sent by MW3 to the Sr. Manager MW 1. Ext.ME-20 is a report of MW 1 sent to the Head Office. Sri B.Vinod Kumar, a clerk of the bank had also witnessed the incident and he gave a statement to the management which is Ext.ME-20(a). But he was not examined. But the statement was marked through MW 1. It is contended by the learned counsel for the workman that since Sri Vinod Kumar the author of Ext. ME- 20(a) was not examined the workman did not get an opportunity to challenge the statement. But it is to be noted that MW3 had detected the attempt to take away the fans and he had sent Ext.ME-20(b) report to the Sr. Manager MW-1. Therefore even if Ext.ME-20(a) is disregarded as having not properly proved, ME-20(b) and the oral testimony of MW3 should stand. Nothing is pointed out by the defence to disbelieve MW-3. Therefore the incident had taken place as found by the Enquiry Officer. However the learned counsel for the workman submitted that there is no theft as the fans were not taken away by the workman. Therefore according to him the misconduct can at the most be one under Clause 19.5(d) of first Bipartite Settlement i.e. "willful damage or attempt to cause damage to the property of the bank or any of its customers". Hence it is argued that maximum punishment is not warranted in the circumstances.

12. It is in evidence that the workman under the guise of taking jute bags for his personal use had tried to remove 2 fans of the bank. According to the Enquiry Officer it amounts to theft which is an act prejudicial to the interest of the bank falling within Clause 19.5(j) of the first Bipartite Settlement. The punishment awarded by the disciplinary authority is dismissal without notice. The learned counsel for the workman contends that there is no theft and the workman had not taken away the fans from the premises of the bank. The offence of theft is defined in Section 378 I.P.C. Illustration (h) to the Section is that a ring belonging to Z was found lying on a table by 'A'. 'A' hides the ring in a place where it is highly improbable for Z to find it, with the intention of taking away the ring later. Here 'A' at the time of first moving the ring from the table commits theft. Drawing the same analogy when the workman took the fans and hid them in a jute bag he had already committed the theft. It was not taken out of the premises of the bank

because before that the offence was detected. So there is no merit in the contention that the workman had not committed the offence of theft and at the most he had attempted to cause damages to the property of the bank. The misconduct falls within Clause 19.5 (j) of first Bipartite Settlement as rightly found by the Enquiry Officer and concurred by the disciplinary authority.

13. The remaining charges are 1 to 4, 6, 7 and 8. The Enquiry Officer has found that charge No.6 is not proved. The submission of the learned counsel for the workman with respect to the remaining charges and the findings of the Enquiry Officer is that the findings are perverse and not based on evidence on record. But I don't think that the learned counsel is correct in his submission.

14. Charge No.1 is that on 01-03-1995 the workman was on leave. But he came to bank sometime in the noon and went to the branch Manager's cabin with a bill of the purchase of uniform clothes. The Manager told him after seeing the bill that it was defective. The workman got it back after sometime he brought back the bill after curing the defects. The Manager perused the bill and said that the rate of articles mentioned in the bill was high and so he would forward it to the Head Office for sanction. The workman did not like it. He stared at the Branch Manager. A customer was sitting in the cabin of Manager. The workman asked the customer to go out of the cabin. But the Manager asked the customer to remain there. The workman was asked to leave the cabin. But he did not obey. He was in a drunken state. The Manager then called a clerk and asked him to take away the workman from the cabin.

15. The Enquiry Officer in his report at paragraphs 8 to 12 (pages 8 and 9) has considered the charge. MW-1 is the Sr. Manager. MW-2 is Deputy Manager. Both of them have stated that the workman had misbehaved to the Manager and he was in a state of drunkenness at that time. Ext.ME-4 is the report of Manager to the Head Office regarding the incident. Ext.ME-2 is the reply to the charge by the workman. His reply was that there was shortage of bankmen in the bank at the relevant time and so he was overburdened. Regarding the allegation of drunkenness his case was that no medical examination was conducted. The Enquiry Officer no doubt agreed with the workman that there was shortage of bankmen. But according to the Enquiry Officer that has nothing to do with the misconduct. He also was of the opinion that even without medical examination, from the abnormal behaviour, gestures and smell one can make out whether a person is drunk or not. On the basis of the evidence aforementioned the Enquiry Officer found the workman guilty of indecent and disorderly behaviour. I find no reason to express a different opinion.

16. Charge No.2 is that on 14-03-1995 the workman was late to arrive in the bank. The Deputy Manager (MW2) did not allow him to mark the attendance. However the

workman remained in the office. At 4.45 p.m. he went to Manager's cabin with the leave register and a vehicle loan application for getting sanction of the loan from the office. The Manager enquired whether the workman was on duty. On coming to know that he was not on duty he was not allowed to handle the office records while on leave. Upon this the workman got wild and shouted at the Manager. At that time the Deputy Manager (MW2) happened to step into the cabin of the Manager. With him also the workman got angry. He threatened the Manager and tore the loan application and threw it at the Manager.

17. The discussion is contained at para 11 and 12 (page 9 and 10 of the enquiry report). The duty time of the workman was 9.45 a.m. But he reached the office on 14-03-1995 at 10.10 a.m. Thus he was late by 25 minutes. As per the rule of the bank a person who reaches the office late by more than 10 minutes will not be allowed to mark the attendance. MW-2 Deputy Manager did not allow the workman to mark the attendance. MW-1 has supported this case of MW2 and spoken about the misbehaviour of the workman towards him. Ext.ME-5 is a report sent to Head Office regarding the incident by MW-1. Ext.ME-13 is attendance register for the month of March 1995 which shows that on 14-03-1995 the workman had not marked the attendance. Nothing was brought out in cross-examination of MW-1 and MW-2 to discredit them. On the basis of this evidence the Enquiry Officer found the workman guilty of misconduct of riotous and disorderly behaviour. I find no ground to interfere with the findings.

18. Charge No.3 is that on 15-03-1995 at 4.10 p.m. the Manager had asked the workman as to why he had drawn red lines in the attendance register against the name of the Manager on the dates, 14-03-1995 and 15-03-1995. The workman then got angry, shouted at him and threatened him. On the same day the workman was asked by Sri T.K.Mathew, an officer of the bank to arrange the stationery items kept in a box, in order in the stationery room. The workman refused. The Manager then asked him to carry out the work. But the workman refused and abused the Manager. He was then under the influence of liquor.

19. The enquiry report para 13 to 16 (page 10 to 12) contain the discussion regarding this charge. MW-1 has narrated the incident. Two clerks of the bank Sri. Agustine Thomas and Mrs. Mercy John stated that they saw the workman opening the attendance register which was on the table of MW-1. When MW-1 examined the attendance register he found the red line markings against his name in the relevant column of 14th and 15th March, 1995. MW-4 (Sri.T.K.Mathew) stated that he had asked the workman on 15-03-1995 to arrange the stationery items in the stationery room in order. But the workman had refused. As per Ext.ME-9 duty allotment order the workman was asked to arrange stationery items. The workman was called to the cabin of MW-1 for the purpose of issuing Ext.ME-9 order

and entrusting the work. But he did not go to the cabin to receive the order. On the other hand he shouted at MW-1 from outside the cabin. MW-1 then sent Ext.ME-6 report about the incident to the head office. MW-1 narrated these facts before the Enquiry Officer. The evidence of MW-1 and MW-4 and Ext.ME-6 report were relied on by the Enquiry Officer to find the guilt of workman. The finding is beyond challenge.

20. Charges 4 and 7 are similar. Charge No.4 is that on 16-03-1995 and 17-03-1995 the workman was absent from the office. He applied for sick leave with a medical certificate on 18-03-1995 when he came to resume duty. However the workman had been to the bank at some hour on both days. The medical certificate was not acceptable to the bank as he had not complied with the direction of the bank to produce a medical certificate from D.M.O. Because of these reasons the absence of the workman on 16th and 17th March, 1995 was treated as unauthorised. Similarly charge No.7 is that on 27-03-1995 and 28-03-1995 he was absent and applied for leave only on 29-03-1995 with a medical certificate. This was also not accepted by the bank as he had not applied for leave in accordance with leave rules and the medical certificate was not from a doctor directed by the bank.

21. Ext.ME-12 is bank circular dated 24-04-1987 regarding sick leave. Exts.ME-11(a) and 11(b) are medical certificates and fitness certificates from an ayurvedic doctor regarding absence of 16th and 17th March, 1995 and fitness to resume duty on 18-03-1995. In a similar manner he had applied for leave on 29-03-1995 for the absence of 27th and 28th March, 1995 and produced a medical certificate and a fitness certificate from the same ayurvedic doctor. Ext.ME-16 is leave application and Ext.ME-16(a) & (b) are medical certificate and fitness certificate. The medical certificate was not accepted by the bank as the workman had not complied with the instruction to produce a medical certificate from a doctor acceptable to the bank. Ext.ME-13 is attendance register of March 1995. It shows that on the respective dates aforementioned the workman was absent. He had neither informed about his sickness nor submitted the application on time (i.e. without delay). He has also not obtained proper medical certificate from a doctor acceptable to the bank. For these reasons the Enquiry Officer found the workman guilty of misconduct of unauthorised absence. The finding is only to be upheld.

22. Charge No.8 is that on 30-03-1995 at 5 p.m. the workman entered manager's cabin, closed the door, threatened the manager, demanded sanction of leave and wages on the days of leave. At that time the Deputy Manager tried to go into the cabin of the manager. But the workman prevented the Deputy Manager from opening the cabin door. The Deputy manager managed to open the door. The workman threatened the Manager once again and went out of the cabin.

23. The matter is dealt with by the Enquiry Officer at paras 18 and 19 (page 12 of his report). MW-1, 2 and 4 have supported the charge. Ext.ME-18 is a report sent by the Manager to the Head office regarding the incident. Exts.ME-4, 5, 6, 14, 15 and 17 are similar reports of the Manager to the Head Office regarding the drunken and disorderly behaviour of the workman in the bank. In the light of the oral testimony of MW-1, 2 and 4 and considering the various reports of similar mis-behaviour in the past as well as the report, Ext.ME-18 regarding the incident, the Enquiry Officer found the workman guilty of misconduct of drunkenness, riotous, disorderly and indecent behaviour. It is not a solitary instance of misbehaviour of the workman. The workman has not been able to point out anything inconsistent in the testimony of MWs 1, 2 and 4 to discredit them. Therefore the finding of the Enquiry Officer regarding charge No.8 is only to be accepted.

24. In the light of the reasons stated above I find no reason to deviate from the findings of the Enquiry Officer regarding charges levelled against the workman as per charge sheets, Ext. 1 and EA-4.

25. Point No. 3:- The learned counsel for the workman submitted that the workman hails from a poor family. He has wife and 2 school going daughters to be looked after. He is the sole bread winner of the family. He has been in the service of the bank for a long time and he is jobless after his suspension from service. The punishment of dismissal is too harsh and excessive. But considering the conduct of the workman of disorderly and indecent behaviour, threatening and abusing Bank Manager and officers of the bank and theft, the bank cannot be expected to show leniency in the matter of punishment. The instances of misbehaviour to officers of the bank are not isolated incidents. He had created a lot of mischief in the bank due to his addiction to alcohol. Repeated instructions of the officers of the bank fell on deaf ears of the workman and he did not improve, which necessitated disciplinary action. Even though he was dismissed from service he was given P.F. and gratuity which is not normally done by a bank. Considering these circumstances I find that the punishment is proportionate and commensurate with the gravity of misconduct.

In the result an award is passed finding that the action of the management in dismissing the workman Shri.M.K.Pradeep Kumar from service is legal and justified and he is not entitled for any relief.

The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 6th day, June, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Exhibit for the Management

Ext M 1 - Enquiry file.

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2968.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फेडरल बैंक लि. के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुवंश में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/शम्ख न्यायालय इरनाकूलम के पंचाट (संदर्भ संख्या 226/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-10-2008 को प्राप्त हुआ था :

[सं. एल-12012/03/1996-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st October, 2008

S.O. 2968.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.226/2006) of the Central Government Industrial Tribunal/Labour Court, Ernakulam, as shown in the Annexure in the Industrial Dispute between the management of Federal Bank Ltd., and their workmen received by the Central Government on 01-10-2008.

[No. L-(2012/03/1996-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri P. L. Norbert, B. A., LL.B.,
Presiding Officer

(Friday the 11th day of July 2008/20th Ashada 1930)

I.D. No. 226/2006

(I.D. 15/1997 of Labour Court, Ernakulam)

Union : The General Secretary,
Federal Bank Staff Union,
Champion Building, Bank Junction,
Alwaye-683 101.

By Adv. Sri. Ashok B. Shenoy.

Management : The Chairman,
Federal Bank Limited,
Head Office, Alwaye,
Ernakulam District

By Advs. M/s. B. S. Krishnan
Associates.

This case coming up for hearing on 04-07-2008, this Tribunal-cum-Labour Court on 11-07-2008 passed the following.

AWARD

This is a reference made under Section 16(1)(d) of Industrial Disputes Act. The reference is :

"Whether the action of the management of M/s Federal Bank Limited in imposing the punishment of withholding four annual increments out of which two annual increments with cumulative effect in respect of the workman Sri.P.A.Jose for certain alleged misconduct is justified ? If not, to what relief, the workman is entitled to?"

2. The facts of the case in brief are as follows.

Sri.P.A.Jose was a Clerk in IFR Department of the Head Office of Federal Bank Limited. While so, he was served with a memo dated 17-3-1986 alleging misconduct of cheating, incurring debts beyond his means and acts prejudicial to the interest of the bank. The basis for these allegations was that the workman had issued two cheques after closing his S.V. Account in Chirayinkil branch. Subsequently another memo dated 04-04-1986 was also issued to him also alleging misconduct of engaging in trade outside the scope of his duties and without the permission of the bank. An enquiry was ordered. The workman was found guilty of the charges. The disciplinary authority imposed the punishment of stoppage of increment for 2 years with cumulative effect. An appeal filed by the workman was dismissed. After the conclusion of the enquiry proceedings another memo dated 11-11-1986 was issued alleging misconduct of engaging in any trade without the permission of the bank, incurring debts which the management considered as excessive and doing acts prejudicial to the interest of the bank. The basis for this allegation was that the workman had borrowed Rs.30,000 from a customer of the bank. The same Enquiry Officer conducted the enquiry. The workman was again found guilty of the charges. The Disciplinary Authority imposed the punishment of stoppage of increment for a period of two years with cumulative effect. The workman preferred an appeal. The appellate authority did not interfere with the findings of Enquiry Officer, but reduced the punishment to stoppage of increment for a period of 2 years without cumulative effect.

3. According to the union the Enquiry Officer had not properly evaluated the evidence. The Disciplinary Authority without appreciating the worth of the materials on record came to with the findings of the Enquiry Officer. The Appellate Authority too did not sift the evidence to find out whether there are enough materials to enter a finding of guilt against the workman. The allegations in the charge are not clear and properly couched. Sufficient opportunity to defend was denied to the workman. He was not allowed to take the assistance of a lawyer. The management representative was a legally trained mind and the workman was pitted against an experienced officer in the field of enquiry. The principles of natural justice and

equity were not followed by the Enquiry Officer. The documents on the side of the management were not properly proved. Competent witnesses were not examined to prove the documents. The workman was denied opportunity to adduce defence evidence. The defence representative was not able to attend the enquiry as he was not granted leave. The documents on the side of the workman was not allowed to be marked. The Enquiry Officer had a biased mind. The punishment at any rate is excessive. The mitigating circumstances of the workman was not considered by the disciplinary authority. The findings and punishment are liable to be set aside.

4. According to the management the union which has espoused the cause of the workman is a minority union and not a recognized one and hence it is incompetent to raise the dispute. Therefore the reference is not maintainable. The workman was proceeded against for disciplinary action due to his indiscriminate borrowing. He had issued two cheques for Rs.20,000/- each and a promissory note for Rs.10,000/- after closing his S.B. account. He was also engaging in trade without the permission of the bank. He borrowed another sum of Rs.30,000/- from a customer of the bank and did not repay the same. Creditors had complained to the bank. Hence memos of charges were issued and an enquiry was ordered. The Enquiry Officer conducted the enquiry in accordance with the rules and procedure of enquiry. The workman was given every opportunity to defend the charges. He was represented by an office bearer of the union. The management witnesses were cross examined. Sufficient opportunity was given to adduce defence evidence. Based on the materials on record the Enquiry Officer submitted his report finding the workman guilty of the charges. The disciplinary authority accepted the findings, heard the workman on proposed punishment and considering the nature of the misconduct imposed the punishment of stoppage of increment for 2 years with cumulative effect and another punishment of stoppage of increment for two years with cumulative effect. The workman had filed appeal in both enquiries. However, he did not succeed with regard to the findings, but the punishment in respect of 2nd enquiry proceedings was reduced to stoppage of increment for 2 years without cumulative effect. The workman was given copy of the report and an opportunity of hearing on the findings of Enquiry Officer. Thereafter he was also given an opportunity of hearing on the proposed punishment. The disciplinary authority as well as the appellate authority have properly considered the records of enquiry. The request of the workman for appointment of a lawyer came very late after lapse of 4 months of order in domestic enquiry. At any rate permission for appointment of a lawyer was to be granted by the disciplinary authority as per the Bipartite Settlement. The workman has no case at the time of enquiry that the management representative was a legally trained person. However the workman had participated in both enquiries and cross examination the management witnesses. He had not raised any complaint

regarding the conduct of enquiry. The workman was given ample opportunity to produce witnesses and documents. The workman was trying to protract the enquiry proceedings. The punishment are in no way disproportionate or harsh. There is no ground for interfering with the findings or the punishment.

5. In the light of the above contentions the following points arise for consideration :

1. Are the findings perverse?
2. Is the punishment legal and proper?

The evidence consists of the oral testimony of MW I and documentary evidence of Exts.M 1 and M2 on the side of the management and no evidence on the side of union.

6. Point No.1: Exts.ME-8 and 9 are the charge sheets issued on 04-04-1986 and 17-03-1986. Ext.ME9 is the first charge sheet. The basis for this charge sheet is the complaint of one Sadasivan of Chirayinkil who had lent Rs.50,000 to the workman, Sri. P.A. Jose while he was working in Chirayinkil branch. He had issued 2 cheques both dated 14-12-85 for Rs.20,000 each to Sadasivan. However, this was after closing the S.B. account of the workman at Chirayinkil branch on 21-11-85. When the cheques were presented for payment they were returned due to 'closure of the account'. Hence on the charges of cheating, incurring debts to an extent considered by the management as excessive and engaging in trade or business outside the scope of his duty without permission of the bank, a domestic enquiry was ordered. Ext.M 1 is the Enquiry file containing enquiry proceedings, documents, report and orders of disciplinary authority and appellate authority.

7. Ext.M8 is the second charge sheet. The allegation is that he had engaged in trade or business outside the scope of his duties without permission of the bank. The reason for the allegation is that Smt. Ida Gomez, a customer of the Chirayinkil branch had complained to the bank that the workman had borrowed Rs.30,000 but failed to repay it. Ext.M2 is the Enquiry file containing Enquiry proceedings, documents, report and orders of disciplinary authority and appellate authority.

8. The learned counsel for the union had raised certain preliminary objections regarding the validity of enquiry. The objections are: (1) the workman was denied opportunity to adduce defence evidence as the Enquiry Officer had abruptly concluded the Enquiry proceedings in the absence of the defence representative. The defence representative could not attend the enquiry on 10-11-86 as he did not get leave to attend the enquiry. (2) The documents produced by the workman were not admitted in evidence. (3) No opportunity to defend was provided to the workman. (4) No copy of the report was given to the workman before proposing the punishment and he was not heard regarding the findings of the Enquiry Officer by the disciplinary authority.

9. I will deal with these preliminary objections of the union one by one.

(1) Ext.M1 enquiry concluded on 10-11-86. On that day the workman was present but not his representative. The workman made a request to adjourn the enquiry on the ground that the defence representative was not granted leave by the Management. He had also requested to accept two documents produced by him. The Enquiry Officer was not inclined to grant an adjournment and the reasons are stated at pages 22 to 24 of Ext.M 1 file. The reasons stated by the Enquiry Officer are that no special leave was required to attend the enquiry. Instead he should have attended the enquiry, obtained a certificate of attendance from the Enquiry Officer and produced it before the management who would have granted him duty leave. Another reason to refuse adjournment is that the workman was trying to protract the enquiry proceedings. However it is not necessary for me to go into that aspect but suffice to know whether the defence representative was able to attend the enquiry or whether management should have granted leave for that purpose. The learned counsel for the union referred to Clause 19.12(d) of the First Bipartite Settlement to contend that special leave should have been granted by the management even without a request by the CSE or the defence representative for the purpose of attending enquiry. The provision reads :—

"If the representative defending the employee is an employee of the same bank at an outstation branch within the same State, he shall be relieved on special leave (on full pay and allowances) to represent the employee and be paid one return fare.....".

The provision requiring the management to relieve an employee on special leave to attend an enquiry as defence representative refers to a situation when the employee has to attend an outstation branch within the same state. But the defence representative, Sri. A.A. Joseph was working as clerk in the stationery department of the Head Office at Alwaye at the relevant time. This is clear from the very letter of the workman to the Enquiry Officer dated 27-10-1987 which is part of Ext.M 1 file. The Head Office of the bank is at Alwaye. The enquiry was held at Staff Training College of the bank at Alwaye itself on 10-11-86. This can be seen from the Enquiry proceedings at page 20. The workman himself was working in SBR department, Head Office, Alwaye. Thus the defence representative had to attend the enquiry which was held in the same place within the town of Alwaye in the Staff Training College. It is not an outstation so far as the defence representative is concerned and hence Clause 19.12(d) of the first Bipartite Settlement is not attracted in this case. There was no need to get special leave to attend the enquiry. Mere intimation to the office was sufficient, followed by subsequent production of a certificate of attendance from the Enquiry Officer. Hence there is no merit in the case of the workman that the defence representative was unable to attend the enquiry for want of special leave.

(2) The next contention is that the workman had produced no documents on 10-11-86. However, the Enquiry Officer is refusing to mark the documents on filious grounds. Page 21 of Enquiry Proceedings (Ext.M1) contains the submission of the workman and reasons of Enquiry Officer for refusing to mark the documents. The Enquiry Officer reasons that the workman was given enough time and opportunity to produce the documents, before he waited till the management closed their evidence. An affidavit stated by him is that the documents were not relevant to the issue. Yes, the reason is that these documents were in the possession of the workman and the exculpatory witnesses who could speak about the documents produced whose copies the documents originated were already examined on management side and cross examined by the defence. No question was put to them regarding these documents. The primary of the workman was only a request to prolong the proceedings. The documents produced by the workman on 10-11-86 were: (a) A sanction order dated 19-08-1985 issued to the workman for standing loan in a kuri (cheque book) on 27-10-85 from the staff bank account to the workman for certain queries regarding the amount of possible kurbilisyan, as well as any other loan facility of the workman.

The charge against the workman is that he had borrowed money from one Sudasivan and had issued two cheques and a cash deposit note to him after closing his SB Account in the bank. Thus the two documents produced by the workman have nothing to do with the charges in the charge sheet. Nor it is documents are admitted as evidence that can not help the workman.

(3) The next relevance of the workman on the issue was not given sufficient opportunity to defend the charges. The enquiry procedures and the report reveal that the workman was defended by a union office bearer. The enquiry commenced on 13-09-85. On that day defence was given read out and explained. Thereafter a adjournment was adjourned on 29-09-86, i.e. that day management adduced evidence. Then it was adjourned to 11-10-86. That day also management witnesses were examined. The defence cross examined all the management witnesses. The management witness gave evidence on 01-11-86. Thereafter was asked by the Enquiry Officer to hand over list of witnesses and documents to defence on 02-11-86. The management had counter-objection 04-11-86. This day again was adjourned to 09-11-86. On that day the management representative gave his notice engaged and they were not for adjournment. After giving notice to the management and defence, the enquiry was adjourned to 21-11-86. However, on 21-11-86, the workman and the defence representative came to court. Till then no justifications or witnesses were called either in the hearing of 19-09-86 or copy given to the management representative. The Enquiry Officer adjourned the proceeding to 31-10-86. On that day the workman gave a letter to the Enquiry Officer seeking adjournment on the ground that the defence representative was sick. The enquiry was adjourned to 01-11-86. However, the defence representative was absent and the workman gave a letter to the Enquiry Officer requesting adjourn-

adjournment on the ground that the defence representative was not able to get special leave for attending the enquiry. This was rejected by the Enquiry Officer. Thus the proceedings show that the workman had ample opportunity to produce documents and examine defence witnesses. He did not furnish the documents until the last date. Even on that day, he did not want to examine anyone on the side, but remained content with the production of two documents. Therefore there is no substance in the contention of the union that no opportunity was given to the defence to adduce evidence.

(4) It was then contended by the learned counsel for the union that he was not heard by the disciplinary authority before confirming the findings of the Enquiry Officer. It is in violation of the principles of natural justice. The learned counsel seeks support for his submission in Managing Director, ECIL, Hyderabad v. B Karunakar 1994-1-LJ 162. It is held by the Hon'ble Supreme Court that when the Enquiry Officer is not the disciplinary authority the delinquent employee has a right to see the enquiry report before the disciplinary authority arrives at his conclusion regarding guilt or innocence of the employee. If he is not given a copy of the report and heard it amounts to denial of a reasonable opportunity to the employee to prove his innocence and a breach of the principles of natural justice. The relevant discussion is contained in para 27 to 29. But it is to be noted that the charge sheeted employee in the reported decision was a Senior Technical Officer of Electronic Corporation of India Limited and hence a government employee. The civil services (classification, control and appeal) Rules, as well as Article 311 of the constitution were applicable to him. The Hon'ble Supreme Court on the basis of section 311(2) and the proviso of the constitution held that the charge sheeted employee should be heard by the disciplinary authority regarding the findings before proposing the penalty.

However in the instant case the workman is a bank employee and not a government employee and hence the decision has no applicability. Thus none of the preliminary objections can be sustained.

10. Coming to the merits of the case I will first deal with the first enquiry (Ext.M1 file). As per Ext.M9 charge sheet dated 17-03-86 the first charge is that the workman had cheated by issuing two cheques after closing his account. The account of the workman was closed on 21-11-85. Two cheques for Rs. 20,000 each were issued to one Sudasivan on 14-12-85. Ext. D1 is a letter of workman to the Manager, Chirayat, in which requesting him to close his SB Account and pay the balance outstanding. He also surrendered 13 cheque books which were remaining unused. He also stated in the letter that if any other cheque issued by him, was not presented so far, were to be treated as lost. This letter is dated 21-11-85. Ext.ML1 is a statement of staff cheques as on 14-12-85. It shows that two cheques even dated 14-12-85 drawn by the workman for Rs. 20,000 each, were presented in bank for payment. However they were dis-honoured by the bank on the ground that the account of the workman was closed. Ext.ML2 is copy of

the complaint of Sadasivan to the Branch Manager dated 18-02-86 complaining that the workman had borrowed Rs.30,000 and had issued two cheques and a promissory note on 14-12-'85 and the cheques had returned. Ext.ME3 is a copy of the letter sent by the workman to Sadasivan on 06-12-85 wherein he admits the liability to Sadasivan and had promised to repay the amount as early as possible. Ext.ME-4 is another letter of workman to Sri.Sadasivan dated 01-12-'85. There also he admits that he owes money to Sadasivan. These documents prove that the workman had issued two cheques after closing his S.B. account and surrendering the balance cheque leaves to the bank. But instead of surrendering all remaining cheque leaves, he retained two of them which were utilised for drawing the disputed cheques in favour of creditor Sadasivan. Naturally the cheques were dis-honoured by the bank as there was no subsisting account in the name of the workman. The workman has no case that he had lost any cheque leaves. He has also no case that the lost cheque leaves were utilised by some one to draw two cheques. At the same time he owes money to Sadasivan as can be seen from workman's letters, Ext.ME-3 and 4. They show that he had also executed a promissory note, copy of which is Ext.ME-5. Thus as per the records two cheques were issued in favour of the creditor after closing his account in the bank. It is an act of cheating the creditor. The conduct of the workman affects the reputation of the bank and is an act prejudicial to the interest of the bank.

11. Ext. ME-6 is a copy of the bulletin dated 19-1-1983 of the bank which requires a bank employee to get prior permission for availing loan or any other credit facility from banks, companies, institutions, societies, firms etc. and for standing as guarantor in any transaction. However the bulletin is silent about borrowing from individuals. It refers only to loans to be availed from institutions or firms. Hence Ext.ME-6 has no relevance in the instant case. The bank manager MW1 has given evidence that the creditor Sadasivan had given complaint to the bank and Ext. ME-2 is his complaint. Ext.ME-3 and 4 letters sent by workman to Sadasivan, were handed over by Sadasivan to MW 1. Besides a Promissory note Ext.ME-5 (copy) was also handed over by Sadasivan to MW-1. In the light of this evidence the Enquiry Officer found that the workman was guilty of cheating and acts prejudicial to the interest of the bank. There is no reason to deviate from the findings of Enquiry Officer.

12. The next charge is that the workman had incurred debts which the bank considered to be excessive. Exts. ME-1, 2, 3, 4 and 5 prove that the worker had borrowed money to the tune of Rs. 50,000/- from Sri Sadasivan who appears to be a money lender. The borrowing is admitted by the workman in his letters sent to Sadasivan, Ext.M-3 and M-4. The admitted signature of the workman in the letters sent to the Enquiry Officer tallies with the signature in Ext.ME-3 and 4. The cheques issued by the workman were dis-honoured and that is disclosed by statement of staff cheques dated 14-12-85 Ext.ME-1. The complaint of Sadasivan Ext.ME4 mentions two cheques and a promissory note said to have been issued by worker. The signature in the promissory note is that of the workman and perfectly tallies with the

admitted signatures. He was not able to repay the amount, which is clear from Ext.ME-3 letter. Therefore the creditor complained to bank. Thus the charge that he had incurred debts beyond his means to repay stands proved.

13. The next charge is that the workman had engaged in trade or business outside the scope of his duties without the permission of the bank. The very letter of the worker Ext.ME-3 (in Ext.M2) speaks by itself that he was running a saw-mill and he had borrowed money for the mill. However the mill was running at a loss. The worker in his letter promises to repay the amount to Sadasivan out of the income from the business itself. The complaint of Sadasivan Ext.ME-2 (in Ext.M1) mentions that workman had borrowed money for the purpose of his mill by name "Sherly Jose Saw Mill", Kadakkavoor. Though the mill is named after his wife business is run by the workman. That is clear from Ext.ME-3. To the charge sheet Ext. ME-8 no reply was sent. MW-1 Manager of the bank deposed that the workman was running a saw-mill where he was carrying on the business of timber, firewood and furniture. During cross- examination no question is seen put to MW-1 regarding this aspect. The workman has no explanation for what purpose he had borrowed money. The evidence shows that he was running a business and he had borrowed money for that purpose. This was done without the permission of bank and is a misconduct.

14. In the 2nd enquiry the misconduct alleged was that the workman was engaged in trade without the permission of the bank, had incurred debts considered by the bank to be excessive and had committed acts prejudicial to the interest of the bank. Ext.M2 is the Enquiry File. The basis for this allegation was that the workman had borrowed Rs.30,000 from Smt. Ida Gomez and failed to repay it on time. She made a complaint to the Branch Manager. She was a customer of the bank. Ext.ME-1 is the complaint dated 30-08-86. Ext.ME-3 is a promissory note for Rs.30,000 executed by the workman to Smt.Ida Gomez. Ext.ME-2 is a letter sent by the workman to Smt. Ida Gomez acknowledging the debt and promising to repay the amount. The letter reveals that the amount was borrowed for the purpose of saw-mill. He reiterates in the letter that he is fully involved in the saw-mill business. The letter was sent on 6-12-85. MW1 (the Bank Manager) stated before the Enquiry Officer that the workman was running a saw-mill. The handwriting and signature in Ext.ME-2 letter and ME3 promissory note are identified by MW-1. The witness was cross examined. But no question was put to him regarding the saw-mill business. The version of MW-1 in the chief examination remains un-challenged. Thus the evidence on record prove that the workman was running a mill and for the purpose of the business he had borrowed Rs.30,000 from Smt. Ida Gomez, but was not able to repay the same. Smt. Ida Gomez was a customer of the bank. The worker had thus committed the misconduct of engaging in trade without permission of the bank and incurring debts beyond his means to repay and these acts are prejudicial to the interest of the bank.

15. However the learned counsel for the workman argued that the refusal to engage a lawyer has put him in

disadvantage in defending the charge effectively. The management representative was a legally trained person and as per Bipartite Settlement the workman is entitled to be defended by an Advocate. The denial of assistance of a lawyer vitiates the enquiry. The proceedings of 20-02-1987, page 3 shows that on that day the workman had made an oral request for permission to engage an Advocate for him. The Enquiry Officer recorded his reasons for not acceding to his request. According to the Enquiry Officer the enquiry was posted on 21-01-1987 and the workman was given notice of enquiry sufficiently early. He was also informed that he could take the assistance of a co-worker. On 21-01-1987 neither was he present for the enquiry nor did he make a request for engaging a lawyer. Thereafter he sent a letter to the Enquiry Officer requesting to adjourn the enquiry on the ground that due to strike organised by the union on 21-01-87 he was not able to attend the enquiry. Even then he had not made a request for appointment of an Advocate. The enquiry was adjourned to 20-02-1987. That day the workman was present and he made a request for appointment of an Advocate. According to the Enquiry Officer this was not a prompt request and the workman was not earnest in seeking the assistance of an Advocate. Moreover the permission to engage an Advocate has to be sanctioned by the management and not by the Enquiry Officer. Hence the request of the employee was rejected. Thereafter one management witness was examined and he was cross examined by the workman. After closing management evidence on 20-02-1987 the enquiry was adjourned to 09-03-1987 for defence evidence. That day the workman remained absent and no list of witnesses or documents was submitted. Hence, Enquiry proceeding were closed on 09-03-1987. Ext.M-2 enquiry file discloses the above facts.

16. The learned counsel for the union relied on the following decisions to contend that the denial of services of a lawyer is denial of natural justice to the delinquent. The decisions referred are:

Union of India v. Karunakaran Nair 1985 KLT 680.
J.K. Aggarwal v. Haryana Seeds Development Corporation Limited and Others 1991-II-LI-1412 and
Board of Trustees, Port of Bombay v. Dilipkumar AIR 1963 SC 109.

17. However in the facts and circumstances of the present case, the decisions are not applicable. In the instant case the workman had enough time and occasion to make a request for engaging a lawyer. The Enquiry Officer had given him notice of enquiry and allowed him to take the assistance of a co-worker or union office bearer. The workman remained silent. On the first day of enquiry he remained absent. Thereafter though he sent a letter requesting for adjournment of the enquiry he did not make a request for appointment of a lawyer. On the second sitting he attended the enquiry and requested for engaging an Advocate. Since that request was rejected he cross examined the sole management witness. Then he had no case that the management representative was a legally trained person. It is to be noted that the same Enquiry Officer conducted two enquiries against the workman

Ext.M1 Enquiry file relates to the first enquiry. In that enquiry the workman did not request for assistance of a lawyer, but took the assistance of a union office bearer (treasurer). The charges and the nature of evidence in both enquiries are not complex requiring the assistance of an expert. When Enquiry Officer was examined he admitted that the management representative was a law graduate at the time of enquiry. But nothing prevented the workman in making a request to the management for permission to appoint a lawyer. He did not do so in the first enquiry and in the 2nd enquiry he took his own time to make a request and that too to the Enquiry Officer and not to the management. As per Clause 19.12 (a)(ii) of first Bipartite Settlement permission has to be granted by the management and not by the Enquiry Officer. In the above circumstances and context the request of the workman was rejected by the Enquiry Officer and I find no infirmity in the decision of Enquiry Officer.

18. The workman did not adduce any evidence. On the other hand there are enough materials on record to prove the guilt of the worker. The Enquiry Officer has rightly found him guilty of all the charges. I find no reason to interfere with that finding.

19. Point No. 2:—The punishment imposed in respect of the first enquiry (Ext. M1) is stoppage of increment for a period of 2 years with cumulative effect and in the 2nd enquiry (Ext.M-2) stoppage of increment for a period of 2 years without cumulative effect. The charge of incurring debts beyond one's means alone is the minor misconduct. The other charges are gross misconduct for which any of the punishments made mention in Clause 19.6 of 1st Bipartite Settlement and substituted by clause 6 of Supplementary Settlement dated 10-04-2002 (see page 565 to 567 of 'Bipartite Settlements' 12th Edition, M/s. H.P.J. Kapoor Publication) can be imposed. There is no violation of any provision of settlement. Moreover the penalty imposed being one not falling within S-11A of I.D.Act, there is no power to reduce or alter the punishment except for violation of any provision.

In the result an award is passed finding that the action of the management in imposing the punishment of stoppage of annual increments for a period of 2 years with cumulative effect and stoppage of increments for a period of another 2 years without cumulative effect is legal and justified and the workman is not entitled for any relief.

The award will take effect one month after its publication in the Official Gazette.

Ddictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 11th day, July, 2008

P.L. NORBERT, Presiding Officer

APPENDIX

Witness for the Management

MWI - 26-06-2007 Sri. Sebastian,

Exhibits for Management

Ext.M1 - Enquiry file in respect of Sri.P.A. Jose.

Ext.M2 - Enquiry File in respect of Sri.P.A. Jose.

नई दिल्ली, 1 अक्टूबर, 2008

कांता. 2969.—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार फेडरल बैंक लि. के प्रबंधताव के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण/अम्ब न्यायालय, इरनाकुलम के पंचाट (संदर्भ संख्या 339/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-10-2008 को प्राप्त हुआ था :

[सं. एल-12012/54/1995-आईआर(बी-ज)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st October, 2008

S.O. 2969.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 339/2006) of the Central Government Industrial Tribunal / Labour Court, Ernakulam, now as shown in the Annexure in the Industrial Dispute between the Federal Bank Ltd., and their workman received by the Central Government on 01-10-2008.

[No. L-12012/54/1995-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri. P. L. Norbert, B. A., LL.B.,
Presiding Officer

(Wednesday the 9th day of July, 2008/18th Ashada 1930)

I.D. No. 339/2006

(L.D. 17/1996 of Labour Court, Ernakulam)

Workman : The General Secretary,
Federal Bank Staff Union,
Champion Building, bank Junction,
Aluva-683 101.
By Adv. Sri. Ashok B. Shenoy.

Management : The Chairman,
Federal Bank Limited,
Head Office, Aluva-683 101
By adv. M/s. B. S. Krishnan Associates.

This case coming up for final hearing on 25-06-2008, this Tribunal-cum-Labour Court on 09-07-2008 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :

"Whether the action of the management of M/s. Federal Bank Limited in imposing the penalty of censure and stoppage of increment for a period of 6 months without cumulative effect on Shri C.C.Dinesh is legal and justified? If not, to what relief is the concerned woman entitled?"

2. The facts of the case in brief are as follows:- Sri.C.P.Dinesh was working as Clerk at Girinagar Branch, Ernakulam of Federal Bank Limited. While so, he was charge sheeted for irregular attendance and absence without leave. He was issued with 3 memos for similar misconduct and was proceeded against without enquiry under clause 3 of the Bipartite Settlement dated 31-10-79 and imposed punishment of censure and stoppage of increment for a period of 6 months without cumulative effect. The latter punishment is subject matter of adjudication in another case (ID 275/2006). The union therefore challenges the disciplinary action resulting in imposition of penalty of censure.

3. According to the union the punishment of censure is illegal. The charges are vague. A domestic enquiry was necessary when a third show cause notice was issued. Once a memo of charge is issued an enquiry is mandatory as per clause 19.12 of the First Bipartite Settlement. That was not followed by the management. The procedure under clause 3 of Bipartite Settlement of 31-10-79 is also not followed. The documents relied on for charge sheeting the workman was not given to the workman. He was also not heard by the disciplinary authority. As per Clause 3 of the settlement when an employee is charged with a minor misconduct on two previous occasions an enquiry is necessary on the third occasion. Hence a domestic enquiry was necessary in respect of the charge in memo dated 16-02-1991. However on all the 3 occasions no enquiry was conducted. This is illegal and violative of the provisions of 1979 settlement. The workman had complied with the leave rules. He had submitted leave applications with medical certificates whenever necessary on time. The leave sanctioning authority has not disposed of the leave applications before initiating disciplinary action. The management put unnecessary restrictions on the workman by requiring him to produce medical certificates from a doctor not below the rank of DMO. It was practically impossible to get medical attendance of DMO as well as obtain certificates from him. The workman had given prior intimation of his absence. The Order of the disciplinary authority that the workman had violated leave rules and had not complied with the directions of the management is not based on records. Hence the disciplinary action and the penalty imposed are to be quashed.

4. According to the management the dispute is to be confined to penalty of censure alone as the 2nd lap of reference regarding stoppage of increment for a period of 6 months is the subject matter of another reference (ID 275/2006).

The union espousing the cause of workman is a minority union and is not a recognized one. Hence the reference is not maintainable. The workman had exhausted even his eligible leave in 1980. Thereafter he has been remaining absent on several occasions without submitting leave applications in advance. He used to submit leave applications only after resumption of duty. Even though he was residing very near to Girinagar branch he never cared to submit leave applications on time or obtain prior permission for remaining absent. Due to the frequent absence on medical ground he was asked by the bank to get in future a medical certificate from a Government doctor not below the rank of D.M.O. But he never complied with the direction. He did not follow the leave rules. He applied for extraordinary leave when he had enough privilege leave and sick leave at credit. He was given three absences dated 31-07-90, 29-08-90 and 20-10-90 calling operation of a train his explanation. His 2nd memo is a modification of first memo. The explanations submitted by him were not satisfactory. Hence he was proceeded under Clause-3 of Bipartite Settlement of 1979 and imposed a penalty of censure. He did not prefer an appeal. Another memo dated 16-02-1991 was issued concerning subsequent absence and the penalty of censure was ordered on 22-03-91. He preferred an appeal which failed. But even after the imposition of penalty of censure twice the workman continued to remain absent, notwithstanding for which subsequent disciplinary proceedings were initiated. The frequent absence of the workman affected the normal functioning of the bank. There is no need to hold a domestic enquiry in case action taken is under Clause-3 of Bipartite Settlement dated 31-10-1979. The workman was given opportunity to offer his explanation by issuing show cause notice for unauthorised absence. The explanation of the workman was considered by the Disciplinary Authority and the punishment was imposed. The workman was informed of the documents proposed to be relied on for disciplinary action. The workman did not request to verify the documents. He also did not request for a hearing before the disciplinary authority. A single penalty of censure was imposed on 22-03-91 in respect of the absences in three memos dated 31-07-90, 29-08-90 and 20-10-90. Another penalty of censure was imposed on 22-03-91. Third 22-04-1991 concern ing subsequent period of absence for which show cause notice dated 16-02-1991 was issued. Since altogether only twice penalty of censure was imposed there was no need to conduct an enquiry in respect of charge in memo dated 16-02-1991. All leave applications submitted by the workman were forwarded to the disciplinary authority for appropriate action. The disciplinary proceedings taken and the orders on penalty are legal and justified.

5. The points that arise of considerable interest:

1. Is the procedure adopted by the managing authority for disciplinary action, legal and proper?

2. Is the absence unauthorised?

The evidence consists of Exts.M-1 to M-18 alone on the side of the Management and no evidence on the side of the union.

6. Point Nos. 1 and 3.—The question that falls for consideration is whether a domestic enquiry was necessary when the workman was charged with a memo dated 16-02-91 to show cause why action shall not be taken under clause-3 of Bipartite Settlement dated 31-10-1979 for unauthorised absence.

7. Ext.M-1 is a memo dated 31-07-1990 issued to the workman to show cause why disciplinary action shall not be taken for unauthorised absence for the period from 21-03-1990 to 06-07-1990 intermittently for 11 days. The workman submitted Ext.M3 reply dated 09-08-1990. Thereafter Ext.M-1 memo was modified by Ext.M4 memo dated 29-08-1990 stating that the management proposed to proceed under Clause-3 of Bipartite Settlement dated 31-10-1979. Thereafter for subsequent period of absence from 11-07-1990 to 31-08-1990 another memo dated 04-10-1990 (Ext.M2) was issued. There was no reply to this memo. For the charges in memo nos. M1 (M4) and M2 the disciplinary authority imposed one punishment of censure by Ext.M-5 order dated 18-02-1991. The worker again remained absent during the period from 12-09-1990 to 20-12-1990 intermittently. The management issued Ext.M-6 show cause notice dated 16-02-1991 proposing to proceed under Clause 3 of Bipartite Settlement dated 31-10-1979. The workman submitted reply (Ext.M7). After considering the reply the disciplinary authority issued Ext. M8 order dated 22-04-1991 imposing penalty of censure. The workman filed appeal which was rejected by the appellate authority. Thus in respect of the charges in show cause notices Ext.M1 (M4) and M4 one punishment of censure and in respect of absence in Ext.M6 show cause notice, another punishment of censure were imposed. The learned counsel for the union contended that a domestic enquiry should have been conducted in pursuance to Ext.M9 show cause notice dated 16-02-1991 as per Clause-3 (i)(ii)(b) of Bipartite Settlement dated 31-10-1979. The relevant portion of Clause-3 of Bipartite Settlement dated 31-10-1979 reads:

"3 (iii) (a) An enquiry need not also be held if the employee is charged with minor misconduct and the punishment proposed to be given is warning or censure. However,

- (i) the employee has not served a show cause notice advising him of the misconduct and the evidence on which the charge is based; and
- (ii) the employee is given an opportunity to submit his written statement of defence, and for this purpose he is entitled to have access to the documents and material on which the charge is based;

(ii) if the employee requests a hearing such a hearing shall be given and in such a hearing he may be permitted to be represented by a representative authorized to defend him in an enquiry had such an enquiry been held.

(b) Where an employee is charged with a minor misconduct and an enquiry is not held on two previous occasions, an enquiry shall be held in respect of the third occasion.

8. As per that provision when an employee is charged with minor misconduct an enquiry need not be held on the first and second occasions, but on the third occasion an enquiry is required. However the learned counsel for the management argued that Sub-Clause (b) of Clause-3 (iii) is attracted only when in pursuance to show cause notices, further action is taken and penalty is imposed on the initial two occasions. But if the disciplinary authority does not impose penalty in pursuance to a notice, that cannot be counted as an occasion where an employee is charged with a minor misconduct as envisaged in Clause-3 (iii) (b). Therefore it is contended that though Exts. M-1 (M-4) and M-2 show cause notices were issued, the management imposed only one punishment of censure by Ext.M-5 order. Therefore the charges made mention in Ext.M 1 (M-4) and M-2 are to be treated as misconduct on the first occasion. A second occasion for taking disciplinary action arose only when Ext. M-6 show cause notice was issued on 16-02-1991. This was followed by Ext.M-8 punishment order. Therefore it was not necessary to hold an enquiry with regard to Ext.M-6 charge.

9. On the other hand the learned counsel for the union submitted that as per Clause-3 (iii) (b) a mere issuance of a show cause notice is sufficient to treat it as a minor misconduct and it need not be followed by imposition of penalty.

10. It is relevant to note the wording of sub-clause (b) : "...where an employee is charged with a minor misconduct.....". Hence it is enough that an employee is served with a show cause notice alleging a minor misconduct without further action to treat it as a charge under Clause-3 (iii) (b). The management may choose to impose just one penalty or more, for one or more charges in respect of one or more instances. But penalty is not the criterion to decide the number of occasions one is charged for minor misconduct. By virtue of Ext.-I (M-4) and M-2 memos the workman was charged twice for absence in respect of two different periods. Hence they are two charges separate and distinct. If the management prefers to impose only one penalty for both charges it is within their discretion. But the protection of a charge sheeted employee under Clause-3 (iii) (b) cannot be taken away. The provision affords him an opportunity to adduce

evidence and challenge the charge on a third occasion in an enquiry. A wise disciplinary authority can defeat this right of the employee by imposing one penalty for many charges. Therefore disciplinary action in pursuance to Ext.M-6 show cause notice which culminated in Ext.M-8 order is illegal and unsustainable.

11. Regarding the merits of the charges it was submitted by the learned counsel for the union that there is no misconduct on the part of the worker. According to the learned counsel the workman had submitted leave applications with medical certificates whenever he was absent. The requirement of the management to produce medical certificate from a government doctor not below the rank of D.M.O. was practically impossible and it was unnecessary restriction clamped on the workman. Ext.M-16 series are leave applications and medical certificates. They show that he had applied for leave only after the expiry of the period of leave. Ext. M-17 is an extract of Bipartite settlement. Clause 13.2 of the leave rules says that an employee who decides to get leave other than casual leave has to apply in writing to the manager not less than one month before the date except in urgent cases or unforeseen circumstances including illness. Clause 13.6 says that leave of all kinds cannot be claimed as of right. Depending upon the exigencies of service the management may refuse leave or revoke leave of any description. There are restrictions regarding privilege leave as per Clause-13.20. Clause-13.34 says that extra ordinary leave can be granted to an employee when no ordinary leave is due to him. Ext.M-15 is circular regarding authority to grant leave. The circular says that the sanctioning of Casual Leave, Privilege Leave and Sick Leave of all staff of a branch/department will be the function of the management. However no leave other than casual leave shall be rejected at the branch/departmental level. Such cases has to be forwarded to the head office. Leave such as special leave, maternity leave, leave under L. P.C., extraordinary leave on loss of pay of all staff is to be sanctioned by Head Office. Ext.M-16 series leave applications are for extraordinary leave on loss of pay on the ground of sickness as well as home affairs. There are 22 such applications. At no time he applied for leave either before the commencement of leave or during the leave period but only on resumption of duty after expiry of leave periods. At least with regard to the ground of 'home affairs' he could have applied on time. It is against the leave rules as already mentioned. Regarding medical ground the workman did not produce medical certificates required by the management. He did not intimate the office before going on leave. He also did not apply for leave on time. For these reasons the management proceeded against him for disciplinary action. The contention of the union that the workman had not violated the leave rules and applied for leave on time is not correct. Therefore the

action of the management in proceeding agamist the workman for unauthorised absence is legal and proper. However I have already observed the penalty of censure imposed on a 2nd time in pursuance to Ext. M-6 show cause notice memo cannot be sustained.

12. I have already mentioned that the issue in the reference regarding stoppage of increments for a period of six months is a subject matter of consideration in ID 275/2006 and the same is admitted by both parties. Hence no adjudication in respect of that issue is made in this case.

In the result an award is passed finding that the action of the management in imposing the penalty of censure by Ext. M-8 order dated 22-04-1991 is illegal and in violation of Clause-3 (iii) (b) of Bipartite Settlement dated 31-10-1979 and is set aside. However the punishment of censure as per Ext. M-5 order dated 05-02-1991 is legal and justified and shall remain.

The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 9th day July, 2008.

P.L. NORBERT, Presiding Officer
APPENDIX

Exhibits for Management

- | | | |
|-----|------------|---|
| M-1 | - 31-07-90 | Show cause notice No. PIR (S-9) 3059/90 of the Management to Sri. Dinesh. |
| M-2 | - 31-07-90 | Show cause notice No. PIR/S-9/3420/90 of the Management to Sri. Dinesh. |
| M-3 | - 06-08-90 | Reply to M-1 notice by Sri C.C. Dinesh to the Management. |
| M-4 | - 20-06-90 | Show cause notice No. PIR S-9/3241/90 of the Management to Sri C.C. Dinesh. |
| M-5 | - 05-02-91 | Punishment order No. PIR S-9 4006/91 of the Disciplinary Authority. |
| M-6 | - 19-02-91 | Show cause notice No. PIR/S-9-4052/91 of the Management to Sri C.C. Dinesh. |
| M-7 | - 28-02-91 | Reply to M-6 by Sri C.C. Dinesh to the Management. |
| M-8 | - 22-04-91 | Punishment order No. PIR S-9-4383/91 of the Disciplinary |

authority.

- | | | |
|-----------------------|------------|---|
| M-9 | - 24-02-91 | Charge Sheet No. PIR/S-90/4399/91 of management to Sri C.C. Dinesh. |
| M-10 | - 03-06-91 | Explanation to M-9 by Sri C.C. Dinesh |
| M-11 | - 22-06-91 | Reply letter No. PIR/S-9/4533/91 of management to Sri. C.C. Dinesh. |
| M-12 | - 05-07-91 | Appeal memorandum filed by Sri C.C. Dinesh. |
| M-13 | - 01-09-91 | Appellate Order No. PIR/S-9/50-10-91 of Appellate authority. |
| M-14 | - 24-04-87 | Copy of Circular No.31/PIR/Leave/1/87 dated 31-03-87 of the Bank. |
| M-15 | - | Circular No.149/Staff leave/1/84 dated 9-7-84 of the Bank. |
| M-16 series (22 nos.) | | Leave applications of Sri C.C. Dinesh |
| M-17 | - | Extract of Bipartite Settlement (Chapter XIII-Leave Rules). |
| M-18 | - 01-08-79 | Extract of Bipartite Settlement of 01-08-1979. |

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2970.—ऑफिसियल विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसार में, केन्द्रीय सरकार एंडसपोर्ट इम्पोर्ट बैंक ऑफ इंडिया के प्रबन्धने के मंददर्द नियोजकों और उनके कर्मकारों के बीच, अनुबंध में नारंग ऑफिशियल विवाद में ऑफिशियल अधिकारण, चेन्नई के पंचाट (एवरें मैट्ट 66/1988) को प्रकाशित करती है, जो केन्द्रीय सरकार द्वारा 01-10-2008 को प्राप्त हुआ था।

[स. एल-12012/05-1988-III.IV (ए).आई आर (वी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st October, 2008

S.O. 2970.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 66/1988) of Industrial Tribunal, Chennai, as shown in the Annexure in the Industrial Dispute between the management of Export Import Bank of India and their workmen which was received by the Central Government on 01-10-2008.

[No. L-12012/05-1988-III.IV(A)IR(B-1)]

ATAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, CHENNAI-104.

Monday, the 16th day of June, 2008

Present : Thiru A. Arumugasamy, B.A. M.L, Presiding Officer

I.D. No. 66 of 1988

[In the matter of dispute for adjudication under Sec. 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Export Import Bank of India, Madras-1.]

BETWEEN

Thiru R. Jambulingam,
C/o S. Swaminathan,
Plot No. 22, I Main Road,
Srinivasa Nagar, Kolathur,
Madras-600099
...Petitioner

And

The Deputy General Manager,
Export-Import Bank of India,
233, NSC Bose Road,
Madras.600001
...Respondent

Reference Order No. L-120122/05/88-Div(A)/D.IV, dated 29-9-1988 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of M/s K.V. Ananthakrishnan, V. Chandraseker & K.P. Muralidharan, Advocates, appearing for the petitioner and Thiru S. Jayaraman, Advocate, appearing for the Respondent/Management, and upon perusing the Reference and other connected papers on records, and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

The Government of India have referred the following issue of adjudication by this Tribunal:

"Whether the action of the Management of Export-Import Bank of India, Madras is justified in terminating the services of Shri R. Jambulingam, Driver-cum-Messenger w.e.f. 8-11-86? If not, to what relief is the concerned workman entitled?"

In view of the Order passed in W.A. No. 1672/2000 dated 9-10-2007 and the award of this Tribunal in I.D. 66/88 was confirmed by the High Court in W.A. No.1672/2000 dated 9-10-07. Hence the industrial dispute is closed at present.

Dated at Chennai, this 16th day of June, 2008.

A. ARUMUGASAMY, Presiding Officer

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2971.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लक्ष्मी विलास बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 33/1986) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-10-2008 को प्राप्त हुआ था।

[सं. एल-12011/24/1985-डी.IV (ए)/आई आर (वी-1)]

अजय. कुमार, डेस्क अधिकारी

New Delhi, the 1st October, 2008

S.O. 2971.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 33/1986) of the Industrial Tribunal (Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the management of Lakshmi Vilas Bank Ltd., and their workman which was received by the Central Government on 01-10-2008.

[No. L-12011/24/1985-D.IV(A)IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, CHENNAI-600104

Wednesday the 2nd day of July 2008

Present : Thiru A. Arumugasamy, B.A. M.L, Presiding Officer

I.D. No. 33 of 1986

[In the matter of dispute for adjudication under Sec.10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Lakshmi Vilas Bank Limited, Karur]

BETWEEN

The workmen represented by
Lakshmi Vilas Bank Employees' Union,
represented by its Secretary,
No.12, Station View Road,
Gokul Apartments,
Kodambakkam,
Chennai-600024
...Petitioner

And

Lakshmi Vilas Bank Limited,
represented by its Chairman,
Salem Road, Kathapara,
Karur -639006.
...Respondent Management
Reference Order No. L-12011/24/85-D.IV, (A) dated 19-5-1986 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru D. Hariparanthaman, Advocate, appearing for the petitioner and M/s T.S. Gopalan & Co.,

Advocate, appearing for the Respondent Management, and upon perusing the reference and other connected papers on record, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

The Government of India have referred the following issue of adjudication by this Tribunal.

"Whether the management of Lakshmi Vilas Bank, Kanpur is justified in withdrawing the special allowance from 14 workers of staff, whose names are given in the annexure without notice? If not, what relief are the workers concerned entitled to?"

As per Order in W.A. No. 2704/2002 dated 2-1-2008, this Writ appeal is dismissed allowing the claim made by the workmen before this Tribunal. Award Passed. No costs.

Dated at Chennai, this 2nd day of July, 2008

THIRU A. ARUMUGASAMY, Presiding Officer
नवी विनायक, अमृतवर, 2008

सं. रा. 2972.—अंदेश्वर विवाद आयोनदास, 1947 (1947 का 14) की तरफ से अनुसरण में, केंद्रीय सरकार द्वारा अंग बड़ीय के प्रबन्धकाल में सचिव नियोजकों और उनके कमाकारों द्वारा, अनुबंध में निर्दिष्ट अंदेश्वर विवाद में केंद्रीय सरकार अंदेश्वर अधिकारण अमृतवर, लखनऊ के पंतान (पंदर्थ मंडल) (14/2001) को प्रकाशित होता है, जो केंद्रीय सरकार को 01-10-2008 तक प्राप्त हुआ था।

[सं. रा. 12011/67/2001-आई अमृतवर (सं. 11)]
राजिन्द्र कुमार, डस्ट अफिसर

New Delhi, the 1st October, 2008

S.O. 2972:- In pursuance of Section 17 of the Industrial Disputes Act, 1947 (44 of 1947), the Central Government hereby publishes the award (Ref. No. 114/2001) of the Central Government Industrial Tribunal (Labour Court, Lucknow) as shown in the Annexure to the Industrial Dispute between the management of Bank of Baroda and their workmen which was received by the Central Government on 01-10-2008.

[No. L-12011/67/2001-IR(B-II)]
RAJINDER KUMAR, Desh Officer

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Shri N.K. Purushottam, Presiding Officer

L.D. No. 114/2001

Ref. No. L-12011/67/2001-IR(B-II) dated: 20-07-2008

BETWEEN

The General Secretary
Bank of Baroda Staff Association
15/222, Modicav Bhawan, Civil Line-
Kanpur(U.P)-208012
(In the matter of Shri Raj Kumar Singh Gaum and 13 others)

And

The Dy. General Manager
Bank of Baroda
Zonal Office,
S.C. Hazaraganj,
Lucknow

AWARD

By order No. L-12011/67/2001-IR(B-II) dated: 20-7-2008, the Central Government in the Ministry of Labour, New Delhi in exercise of the powers conferred by clause (d) of sub section (1) and sub-section (2A) of Section 19 of the Industrial Disputes Act, 1947 (44 of 1947) referred this industrial dispute between the General Secretary, Bank of Baroda Staff Association, Kanpur and the Dy. General Manager, Bank of Baroda, Lucknow for adjudication.

The issue of reference for adjudication is as under:

"Whether the action of the management of the Bank of Baroda in regularizing the services of S. Shri Raj Kumar Singh, Captain and 13 others as per list enclosed at Annexure I, working at various branches of the bank in Eastern UP Zone w.e.f. the date mentioned against each is justified? If not, to what relief the concerned workmen are entitled to?"

On receipt of reference, order the notices were issued to the parties calling upon to file their statements. Accordingly the workmen's union filed their statement of claim on 20-11-01 and documents along with list dated 26-3-02 and 04-04-03, and the management filed their written statement on 26-02-03 and documents along with list dated 11-06-02. The union filed the rejoinder on 26-03-02. On behalf of the union Sh. M.L. Gupta, General Secretary of the Bank of Baroda Staff Association has been examined and in rebuttal the management has examined Sh. R.C. Gupta, Sr. Manager / Admin. After conclusion of the evidence both the sides have filed their written arguments.

At this stage an application has been moved on behalf of the workmen along with affidavits of the General Secretary of the Bank of Baroda Staff Association and the workmen with the prayer to treat the present case as withdrawn. The representative of the opposite party has not opposed the application.

The representatives of both the sides have submitted that regarding regularization of the workmen a settlement has been arrived between the Union of the workers and the Bank and no dispute has been left over. In view of the above stated position by the representatives of both the parties there is no need to decide the reference order on merit and the same is disposed of as there is no grievance left with the workmen. The union's case for relief claimed stands withdrawn. No relief is required to be given to the workmen concerned. The matter is resolved accordingly and the reference is also answered accordingly.

Award as above.

Lucknow N.K. PURUSHOTTAM, Presiding Officer
18-09-2008

नई दिल्ली, । अक्टूबर, 2008

का.आ. 2973.—ऑटोग्राफिक विवाद अधिनियम, 1947 (1947 का 14) की थारा 17 के अनुसरण में, केंद्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधनतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑटोग्राफिक विवाद में केंद्रीय सरकार ऑटोग्राफिक अधिकरण/अमन न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 30/2006) को प्रकाशित करती है, जो केंद्रीय सरकार का ।-10-2008 को प्राप्त हुआ था।

[सं. एल-12011/53/2006-आई आर (बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 1st October, 2008

S.O. 2973.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the industrial dispute between the management of Bank of Baroda, and their workmen, which was received by the Central Government on ।-10-2008.

[No. L-12011/53/2006-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT LUCKNOW

PRESENT

SHRI N.K. PUROHIT, Presiding Officer

I.D. No. 30/2006

Ref. No. L-12011/53/2006-IR (B-II) dated: ।।-10-2006

BETWEEN

The General Secretary
Bank of Baroda Staff Association
Madhav Bhawan,
15/222-A, Civil Lines
Kanpur (U.P.)-208001
(In the matter of Shri Anurag Kumar Agarwal)

AND

The Assistant General Manager,
Bank of Baroda
129-D, Civil Lines
Bareilly (UP)

AWARD

By order No. L-12011/53/2006-IR (B-II) dated ।।-10-2006, the Central Government in the Ministry of Labour, New Delhi in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred

this industrial dispute between the General Secretary, Bank of Baroda Staff Association, Kanpur and the Assistant General Manager, Bank of Baroda, Bareilly for adjudication.

The issue of reference for adjudication is as under :

"Whether the action of the management of Assistant General Manager of Bank of Baroda, Regional Office, Bareilly not to regularize the services w.e.f. 29-5-1989 of Shri Anurag Kumar Agarwal, workman is legal and justified? If not, to what relief he is entitled to?"

After receiving the above reference order notices to the parties were sent. The workman filed the statement of claim on 6-12-06 and the management filed its written statement on 9-2-07. The workman has alleged in his statement of claim that he was appointed in the bank as temporary peon on 29-5-89. Since then he is working in the bank without any break. He is fully qualified for the post of peon or sub-staff and he is working against clear substantive post. The management has deprived him of privilege of the permanent workman which is unfair labour practice. Therefore, the management be directed to regularize him on the post of peon or daftary w.e.f. 29-5-89 with all consequential benefits.

The management in their statement has stated that mainly because a temporary employee continued for a time beyond his term of appointment he would not be entitled to be absorbed in regular service or made permanent. The workman Anurag Kumar has never been sponsored by Employment Exchange and has never been subjected to selection process and no appointment letter was issued to him. He is not entitled to any relief and his claim is liable to be rejected.

At the stage of workman's evidence an application has been moved on behalf of the workman along with affidavits of the General Secretary of the Bank of Baroda Staff Association and the workman, Shri Anurag Kumar with the prayer to treat the present case as withdrawn. The representative of the opposite party has not opposed the application.

The representatives of both the sides have submitted that regarding regularization of the workman Anurag Kumar a settlement has been arrived between the Union of the worker and the Bank and no dispute has been left over. In view of the above stated position by the representatives of both the parites there is no need to decide the reference order on merit and the same is disposed of as there is no grievance left with the workman. His case for relief claimed stands withdrawn. The workman is not entitled to any relief. The matter is resolved accordingly and the reference is also answered accordingly.

Award as above.

Lucknow.
18-9-2008

N. K. PUROHIT, Presiding Officer

वर्दि दिल्ली, १ अक्टूबर, 2008

का.आ. 2974.—ऑप्पोगिक विवाद अधिनियम, १९४७ (१५) की भाग १२ के अनुसार में, केंद्रीय सरकार द्वारा विशेष ऑफ इंडिया के प्रबन्धत्र के संबद्ध विवादों और उक्त विवादों के बीच अन्यथा में निर्दिष्ट ऑप्पोगिक विवाद में केंद्रीय सरकार ऑप्पोगिक अधिनियम व्यावालय, नागपुर के प्रत्यावर (दिनांक २८/३/२००३) की प्रकाशित करती है, जो केंद्रीय सरकार का १-१०-२००८ को प्राप्त हुआ था:

(म.एल १२०१२/८५/२००३ अई.आ. (प्र. ॥))
शर्जिन्द कुमार, डॉक्टर, एसीएसी

New Delhi, the 1st October, 2008

S.O. 2974.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 210/03) of the Central Government Industrial Tribunal-constituted labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of Union Bank of India and their workmen, received by the Central Government on 1-10-2008

[No. L-12012/85/2003-(R)-(B-II)]

RAJINDER KUMAR, Deck Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGT-CUM-LABOUR COURT, NAGPUR**

Case No. C.GT.CN.GP/210/03

Date: 18-9-2008

Petitioner/Party No. 1

Shri Yugal Kishore, & Shri Kesh Kumar Yadav
State Bank of India, Bastar Road, P.O., Dhamtari,
Distt. Dhamtari (Chhattisgarh)

Versus

Respondent/Party No. 2

The Regional Manager, Union Bank of India, 1st Floor,
Mahavir Gaushala Complex, K. K. Road, Maudupara,
Raipur (Chhattisgarh)

AWARD

Dated: 18th September, 2008

1. The Central Government after satisfying the existence of dispute between Shri Yugal Kishore, & Shri Kesh Kumar Yadav, State Bank of India, Bastar Road, P.O., Dhamtari, Distt. Dhamtari (Chhattisgarh) (Party No. 1) and the Regional Manager, Union Bank of India, 1st Floor, Mahavir Gaushala Complex, K. K. Road, Maudupara, Raipur (Chhattisgarh) (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No.L-12012/85/2003-JR (B-II) dated 31-7-2003 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule:

2. "Whether the action of the Regional Manager, Union Bank of India, Raipur (C.G.) in terminating the services of Shri Yugal Kishore Yadav, & Shri Kesh Kumar Yadav is legal and justified? If not, to what relief the workman is entitled for?"

3. The workman Party No. 1 has claimed that his termination is illegal. His contentions are that he was appointed by the Regional Manager Party No. 2, Union Bank of India in the year 1996 as a Messenger on temporary basis and posted at Dhamtari. He was working continuously without any gap for more than 240 days. However, the Party No. 2 played mischief showing his engagement in the different names. Accordingly to him, though the orders were issued in the name of other persons still he worked on that post under the fake name. The management was doing it with the sole intention to avoid any permanency and the status of permanent employee on him. In short, he claims that as he has worked continuously for more than 240 days, he required permanency and it was obligatory on the part of management to follow the provision of Section 25(B), 25(1) of I.D. Act. Since the above provisions are not followed, his termination w.e.f. 1-2-2002 is illegal and he is entitled for reinstatement alongwith full back wages.

The management Party No. 2 despite the notice did not appear and file any reply to the claim of Petitioner. Therefore, the reference proceeded ex parte. The Petitioner Shri Yugal Kishore produced his evidence on Affidavit but due to the absence of the management, it also remained un-crossed. On the basis of the above pleading, the only point that arises for my consideration is as under:

"Whether the Petitioner has completed 240 days continuous service as Messenger on temporary basis and his termination is illegal?"

I have gone through the record. The Petitioner has filed pursis to treat his statement of claim as an argument and requested to close the case for award. The perusal of statement of claim indicates that the workman was appointed on a temporary basis as a Messenger in the year 1996 and he was terminated w.e.f. 1-2-2002. It seems he claims to have worked continuously for more than 6 years as a Messenger. However, he has not produced a single document to support his contention. There is no evidence except the bare statement in the Affidavit. Not a single document is filed to show that he worked with a specific date in a particular name. Even the specific period of working is not stated in an Affidavit or in the statement of claim. The vague allegations are made that he worked from 1996. He has not filed a single order of appointment to show that he worked as a Messenger on a temporary basis continuously on the vacant sanctioned post for more than 240 days. There is no document or even the submission to calculate the specific period 240 days when he was working on the time scale. Some written order from the Bank was

expected because the Bank must have paid him for his work. He has not produced that Muster Roll as expected to have signed by the Petitioner. It is not clear how the payment was made. Suffice to say there is no voucher on record showing any payment to him.

He has stated in the statement of claim as well as in the Affidavit that his appointment was shown in different names though he himself was working on the same post. It is also alleged that the Bank has played his mischief to avoid to grant permanency to him. Here he has not produced any documents like the appointment orders in a different names given to him and the salary drawn in the different names though he himself was getting it. He even did not mention the names of the persons on which he worked for 240 days. How the submission can be accepted without any proof that he was the same person that the Bank was paying in the different names to him. Thus, the evidence of the Petitioner is vague and no reliance can be placed on him.

No doubt the management did not appear and file the written statement but it does not mean any allegation of the workman without any proof shall be accepted as true and correct. In my view, all the allegations and evidence are vague, uncertain either to calculate actual working days or to prove that the management was taking work from him in the different names. In my view, the evidence is insufficient and vague to prove that he has acquired the permanency. Hence, there is no question of granting permanency to him. He cannot be either reinstated or paid in back wages. In the result, the Petitioner failed to prove his claim and the reference deserve to be rejected. Hence, I pass the negative award.

Date: 18-9-2008

A.N. YADAV, Presiding Officer

नई दिल्ली, । अक्टूबर, 2008

कां.आ. 2975.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 112/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को ।-10-2008 को ग्राहा हुआ था।

[सं. एल-12025/03/2008-आईआर (बी-1)]
अजय कुमार, डैस्ट्रक्ट अधिकारी

New Delhi, the 1st October, 2008

S.O. 2975.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 112/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in

the Industrial Dispute between the management of State Bank of India, and their workmen, which was received by the Central Government on 1-10-2008.

[No. L-12025/03/2008-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT

SHRI VED PRAKASH GAUR, Presiding Officer

Dated the 11th day of September, 2008

Industrial Dispute No. L.C. I.D. 112/2003

BETWEEN

Sri Badugu Rama Rao,
S/o B. Nagendram,
R/o Bethapudi Post & Village,
Repalli Mandal,
Guntur District - 522 252Petitioner

AND

The Assistant General Manager,
State Bank of India,
Zonal Office, Region-II
Vijayawada- 520 004Respondents

APPEARANCES

For the Petitioner : Sri C. Vijaya Sekhar Reddy, Advocate

For the Respondent : Smt. B. Lalitha Kumari, Advocate

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and numbered in this Court as L.C.I.D. No. 112/2003 and notices were issued to the parties.

2. The Petitioner filed this petition against the Respondent State Bank of India against his oral termination w.e.f. 31-3-1997. He submits that he has joined in the services of the Respondent as Non-Messenger on 1-1-1983 and he worked for about 5 years. He submits that the management of Bank decided to wait-list temporarily employed personnel who were found suitable for permanent appointment. After a settlement dated 17-11-1987, the management has made some wait-lists by dividing aspiring candidates into three categories i.e., A, B and C. After second and third agreements and circulars, two separate

select panels were prepared by the management. Aggrieved workmen due to late regularization of their services through these panels filed W.P. No. 1194-1997 in Hon'ble High Court of Andhra Pradesh. the Hon'ble High Court of Andhra Pradesh by order dated 5-3-1997 directed the bank to implement the settlement as amended from time to time. Contrary to the directions of the Hon'ble High Court of Andhra Pradesh the management of the bank exercised its authorities not to continue the temporary employees from 1-4-1997. Aggrieved by this, the temporary workmen filed W.P. No. 9296-1997. He explained all the process of agreements, settlements, notifications, circulars, panels etc. He prayed this court to direct the Respondent to continue the order of Court mentioned dated 5-3-1997 and re-employ and absorb him into service with consequential benefits.

3. The Respondent filed counter stating that on exigency of work temporary workmen are taken into service. It has further explained all the settlements, agreements, circulars from time to date and writ petitions filed by the workman in the Hon'ble High Court of Andhra Pradesh. As the Petitioner was appointed on temporary basis, he cannot be continued if there is no work. It is therefore prayed that the petition be dismissed.

4. The Petitioner examined in chief on 20-6-2008. He reiterated the facts mentioned in his petition. He marked Xerox copies of the documents which are as follows. Ex. W1 is the certificate of temporary service of WW1 dt. 26-8-1988. Ex. W2 is the panel list. Ex. W3 is the caste certificate. Ex. W4 is the employment registration card. Ex. W5 is the Transfer certificate showing that WW1 passed IX class. Ex. W6 is the fail memo of certificate of X Class.

5. Case called out several times but both parties are absent. This case is fixed for cross-examination of workman's evidence. But neither workman nor his witness nor Respondent is present. Both parties are not attending

the proceeding of the case for last several adjournments. Since 14-12-2006 one and Petitioner is not coming nor his witness appearing, as such I have no option but to close the evidence of both the parties. Parties evidence is hereby closed.

6. I have gone through the material available on the record. Evidence is closed. It seems that Petitioner is not interested in this case. Hence, this petition is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Meenakshi, Personal Assistant transcribed by her, corrected and pronounced by me on this the 11th day of September, 2008.

VED PRASANTHA RAJU, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner. — Nil

WW1: Sri B. Rama Rao — Nil.

Documents marked for the Petitioner

- Ex. W1: Copy of certificate of temporary service of WW1 dt. 26-8-1988
 Ex. W2: Copy of panel list
 Ex. W3: Copy of caste certificate
 Ex. W4: Copy of employment registration card
 Ex. W5: Copy of Transfer certificate showing that WW1 passed IX class
 Ex. W6: Copy of fail memo of certificate of X Class

Documents marked for the Respondent

— Nil